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FOOD SERVICE SANITATION MANUAL, INCLUDING A MODEL FOOD SERVICE SANITATION ORDNANCE AND CODE. 1962 RECOMMENDATIONS OF THE PUBLIC HEALTH SERVICE

National Center for Urban and Industrial Health
Chevy Chase, Maryland

1962

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FOOD SERVICE SANITATION MANUAL Including a Model

Food Service Sanitation Ordinance and Code

1962 Recommendations of the Public Health Service

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Bureau of Disease Prevention and Environmental Control
National Center for Urban and Industrial Health
Environmental Sanitation Program
Milk and Food Branch
Chevy Chase, Md. 20015

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LIST OF PREVIOUS EDITIONS OF ORDINANCES AND CODES RECOMMENDED BY THE PUBLIC HEALTH SERVICE FOR USE IN REGULATING FOOD SERVICE ESTABLISHMENTS

1935. "Ordinance Regulating Eating and Drinking Establishments." Ordinance only (tentative). Mimeographed.
1938. "Ordinance and Code Regulating Eating and Drinking Establishments." First edition (tentative). Mimeographed.
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FOREWORD

The Public Health Service has for more than 20 years been concerned with the protection of food prepared for service to the public. Through its technical assistance to States and municipalities it has encouraged the development and maintenance of food-protection programs and the adoption of uniform ordinances and codes regulating food service operations. It has also cooperated with the food-service industry in the development of training programs for industry personnel. Continued efforts in this area by health authorities and the food-service industry have been instrumental in effecting considerable progress in the improvement of food-protection programs throughout the United States.

Despite the progress which has been achieved, foodborne illness continues to be a major public health problem. The incidence of such illness can be reduced by the application of the basic principles of food protection. However, to achieve this on a day-to-day basis, better understanding on the part of many food-service employees must be developed, and this, in turn, will necessitate a maximum of cooperation between public health agencies and the food-service industry.

In the development of this manual the Public Health Service requested the assistance of qualified experts from the public health field and the food-service industry. This manual stands as a tribute to the cooperative approach by these dedicated people. Continued cooperation of all interested groups will be necessary if the information contained in the manual is to be translated into practical application to protect the public.

Richard D. Vaughan

RICHARD D. VAUGHAN
Chief, Environmental Sanitation Program

PREFACE

In 1934 the Public Health Service undertook the development of an ordinance for the sanitary control of food prepared and served in public eating establishments. In 1935 a tentative draft of such an ordinance was published for the guidance of State and municipal health authorities. A tentative code of compliance based upon satisfactory practices and procedures was then developed and published in 1938. After field trials, this ordinance and code was revised and published in 1940 under the title, *Ordinance and Code Regulating Eating and Drinking Establishments—Recommended by the U.S. Public Health Service.* A further revision of this ordinance and code was published in 1943.

The latter edition of the ordinance and code, or one equivalent thereto, has been adopted by some 37 States and over 1,100 county and municipal health jurisdictions. It has significantly influenced improvement of the sanitary conditions in eating and drinking establishments throughout the country.

During the past 15 years, however, advances in the field of food technology, together with a distinct change in the social pattern of living in this country, have perceptibly altered the eating habits of the American people and, concurrent therewith, the types of food-service operations being employed in public food-service establishments. In recognition of these changes, the Public Health Service, with the assistance of qualified experts, has developed this new food service sanitation manual as a guide for both public health agencies and the food-service industry. The manual sets forth the need, purpose, and scope of a food-protection program, and suggests ways and means whereby effective programs may be implemented. In addition, the manual includes a recommended ordinance and code which is intended to replace the 1943 edition of the *Ordinance and Code Regulating Eating and Drinking Establishments.* This new ordinance and code, which is presented in unabridged form in PART V of the manual, incorporates new technical knowledge, recognizes the change taking place in methods of food preparation and service, and provides improved food-protection practices.

In order to avail itself of the technical advice of a comprehensive group of experts in the field of food-service sanitation, the Service

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appointed a Food Establishment Sanitation Advisory Committee composed of the following members:

Prof. H. S. Adams, Director, Sanitary Science Courses, Indiana University Medical Center, Indianapolis 7, Ind.

Mr. John Andrews, Chief, Sanitation Section, Sanitary Engineering Division, North Carolina State Board of Health, Raleigh, N.C.

Dr. A. Harry Bliss, Statewide Coordinator, Environmental Health and Safety, University of California, Berkeley 4, Calif. (Nominated by National Association of Sanitarians.)

Mr. S. A. Coleman, Food Sanitation Consultant, American Hotel Association, New York 6, N.Y. (Nominated by American Hotel Association.)

Mr. James A. Donovan, Past President, National Licensed Beverage Association, Cincinnati 36, Ohio. (Nominated by National Licensed Beverage Association.)

Mr. H. J. Dunsmore, formerly Chief, Bureau of Environmental Health, Allegheny County Health Department, Pittsburgh 19, Pa. (Nominated by American Public Health Association.)

Mr. A. H. Fletcher, Director Division of Environmental Sanitation, New Jersey State Department of Health, Trenton, N.J. (Nominated by Conference of State Sanitary Engineers.)

Mr. Larry J. Gordon, Director, Albuquerque City Health Department, Albuquerque, N. Mex.

Mr. Donald Greenaway, Executive Vice President, National Restaurant Association, Chicago 10, Ill. (Nominated by National Restaurant Association.)

Mr. William V. Hickey, 250 Park Avenue, New York 17, N.Y. (Nominated by International Association of Milk and Food Sanitarians, Inc.)

Mr. Cyril L. Kegler, President, Bishop-Stoddard Cafeteria Co., Cedar Rapids, Iowa. (Nominated by National Restaurant Association.)

Dr. W. L. Mallmann, Professor, School of Science and Arts, Department of Bacteriology, Michigan State University, East Lansing, Mich.

Mr. C. L. Senn, Environmental Health Director, Los Angeles City Health Department, Los Angeles, Calif.

Dr. Mack I. Shanholtz, State Health Commissioner, State Department of Health, Richmond 19, Va. (Nominated by Association of State and Territorial Health Officers.)

Dr. Morris A. Shiffman, Chief, Milk and Food Section, Division of Environmental Health, Department of Public Health,

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Philadelphia 46, Pa. (Nominated by Conference of Municipal Public Health Engineers.)

The Advisory Committee met in formal sessions on four separate occasions, each meeting being from 3 to 5 days in duration. In these meetings, and through an effective subcommittee structure, the recommendations for improved food-protection measures submitted by the States, communities, industry, and interested individuals and groups were carefully considered by the Committee. A number of areas were also identified in which research and field investigations were needed and, in some instances, these studies were undertaken by Committee members. Committee efforts and activities resulted in recommendations to the Service on all of the provisions of this manual, including the ordinance and code. The technical and consultative assistance provided by each member of the Advisory Committee in the preparation and development of this manual is deeply appreciated.

While the ordinance and code has been designed specifically for the public health protection of food served in food-service establishments, its technical provisions are equally applicable to the protection of potentially hazardous food wherever it is prepared, served, or displayed. Therefore, it is recommended that the technical provisions of the ordinance and code be applied to such establishments as commissaries supplying vending machines, delicatessens, and similar types of operations which prepare food for consumption.

The format of the ordinance has been designed to permit flexibility in possible methods of enactment or adoption. It includes a short enabling form, PART III of the manual, for use by those jurisdictions where adoption by reference is legal. Use of this form reduces cost of publication and printing, and facilitates keeping the ordinance up to date. PART IV of the manual is the unabridged form of the ordinance for use of those jurisdictions where adoption of the short enabling form would not be legal. PART V includes a code with the unabridged form of the ordinance. The code should be used as the legal interpretation of the ordinance. It serves to unify interpretations and, therefore, minimizes enforcement misunderstandings.

Provision is also made for two alternate forms of enforcement. The first provides for enforcement by permit revocation, and the second by downgrading or permit revocation, or both. Footnotes have been inserted at appropriate locations throughout the ordinance and code to provide guidance for adopting the desired enforcement form of the ordinance.

From time to time this manual will be revised as may be dictated by research, field experience, and technological developments. Accordingly, recommendations from jurisdictions adopting and enforcing the

ordinance and code, and from the industry operating under its provisions, will be particularly valuable in the preparation of future editions.

The Public Health Service is also undertaking the development of appendix material to supplement the material in the manual. The appendixes will provide useful information and data on a variety of subjects which should be of value to all persons concerned with food protection.

While sound regulations are essential to the conduct of effective food-protection programs, more important is the day-to-day compliance with such regulations by food establishment operators. In the development of the technical provisions of the ordinance and code included in the manual, every effort has been made to set forth public health safeguards which are practical of application. All recommendations of the Advisory Committee, State and local health authorities, and the food-service industry were carefully considered in arriving at the technical provisions of this manual. Therefore, the manual should be extremely valuable to State and local health agencies and to the food-service industry in the development of effective programs, and in the maintenance of a high level of food protection in food-service operations.

Space does not permit the acknowledgment, by name, of the many individuals from State and local agencies and the food-service industry who critically reviewed the working draft of the manual and provided valuable suggestions for its improvement. Special acknowledgment is made to Mr. J. Robert Cameron, who represented the Conference of Municipal Public Health Engineers during the early work of the Committee, and to Mr. A. W. Fuchs (now retired), former Chief, Milk and Food Branch, Public Health Service, who served as special consultant.

William C. Miller Jr.

WILLIAM C. MILLER, JR.
Acting Chief, Milk and Food Branch
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PART I

NEED, PURPOSE, AND SCOPE OF A FOOD SERVICE SANITATION PROGRAM

A. The Need for the Program

The food and beverage service industry ranks fourth in size among all the industries of the Nation. The business of eating and drinking has always been and still is one of the principal occupations of mankind. Americans spend almost $75 billion annually for food and beverages—consumed both in the home and outside the home. An average of 78 million meals are served daily in the Nation's varied types of food and beverage establishments.

In terms of kinds and numbers of food-service establishments, and the volume of meals served, the National Restaurant Association [1] gives the following listing:

Kinds of establishments:	*Percent of total meals served*
Restaurants, cafeterias, caterers, lunch counters, refreshment stands	56.27
Industrial restaurants	4.81
Hotels	7.98
Hospitals	4.28
Schools and colleges, clubs, railroads, steamships, airlines, taverns and bars, drug stores, YMCA's and camps, department stores, variety stores, candy and confectionery stores, cigar stores and stands, motels and tourist courts, delicatessens, bakery product stores, newsstands, boarding houses, religious institutions, Salvation Army, penal institutions, miscellaneous	26.66
	100.00

Both the popularity of eating out, and the necessity for eating meals outside the home, have resulted from a number of socioeconomic changes in our way of life. In large business and metropolitan centers, the great majority of workers take lunch at a food-service establishment. Distance from job to home makes it inconvenient to do otherwise. The employment of women in business and industry adds further to such patronage. The mobility of the population through

[1] National Restaurant Association, "America Eats Out—Facts About the Restaurant Industry, the Nation's Fourth Largest Business," 1957. Publication of the National Restaurant Association, 8 South Michigan Ave., Chicago, Ill.

the use of the automobile has resulted in heavy patronage of the drive-in, the highway cafe, and the refreshment stand.

Contributory to this increased patronage is the promotional work done by industry. The social pleasure and conviviality of taking meals with family and friends has been an important factor in stimulating patronage. A wide variety of delicious food is offered in pleasant and attractive surroundings.

Establishments have increased in size, kind, and number, and food preparation and distribution techniques have changed. Indicative of such changes is the trend toward industrial catering and centralized food preparation, whereby food prepared in a single, centrally located kitchen may be served to large numbers of persons in industrial plants, schools, and commercial food-service establishments. Similarly, food variety and combinations have also changed, and the patron today has a wide choice of foods. Rapid transportation, modern refrigeration, and improved sanitation have made many foods commonly available which formerly were seasonal or were restricted largely to areas where produced.

As processes and methods have changed, new problems in food protection have arisen. The multiple handling of food in all of its many phases, and its movement in interstate commerce from point of production to final consumption, require careful consideration. There must be assurance that operations and techniques, including preparation and service to the customer, are such that food is properly protected at all times against contaminants and infective agents. Both the industry and public health agencies have important roles to play in helping to insure that only safe, wholesome food and drink is offered to the millions who patronize the large and important food and beverage service industry.

Unfortunately, food can be easily contaminated and has the potential to support the growth of disease organisms, some of which produce bacterial enterotoxins. Food may also serve as the vehicle for the transmission of toxic contaminants. Thus, it is essential that hygienic principles be applied to protect the food consumer.

The total amount of foodborne illness in the United States is not known, since reporting is neither complete nor accurate. Despite the precautions now being taken to protect food served to the public, foodborne disease outbreaks continue to occur much too frequently. Each year health departments are advised of cases of gastroenteric illness in which the source of infection is unknown. It is believed that many of these cases are foodborne in origin.

Foodborne disease outbreaks, which occur as a result of mass feeding, are usually investigated locally and reported. This is due to a number

of factors. The group involved is readily identifiable. A meal in common has been eaten. The impact of the outbreak is sufficient to warrant public notice with subsequent investigative followups by official agencies. However, where meals are served on an individual-customer basis, there is usually no identifiable common gathering, and it is difficult to ascertain whether the individual case which comes to the attention of the health department is a part of an outbreak. Many individual cases of gastroenteric illness are never called to the attention of the health department; thus, a foodborne-disease outbreak can occur in a community and not even be suspected.

It is essential that hygienic principles be applied to eliminate any conditions or operating methods that might serve as avenues of contamination.

Recent studies of foodborne disease outbreaks have indicated the need for those concerned with the service of food, and health agencies, to focus more attention on the protection of those foods which support the rapid growth of certain disease-producing organisms. In the development of the recommended Food Service Sanitation Ordinance and Code, which is PART V of this manual, emphasis has been placed on such protective measures.

B. Purpose of the Program

The broad objective of a food-service sanitation program is the protection of the health of the consumer. More specifically, however, such a program is designed to accomplish the following:

1. *Protect food against infection.*—Sanitation standards have been developed to reduce to a minimum the opportunity for microorganisms to gain entrance and multiply in food. Those organisms which may cause communicable disease and foodborne illness merit primary consideration.

2. *Insure wholesomeness of food.*—Basically, a food is wholesome when it is in a sound condition, clean, free from adulteration, and otherwise suitable for human food. If sound and healthful, it may be considered wholesome. Consumer acceptability may also be a factor, although it is readily recognized that this shows wide variability when dietary habits and cultural patterns are considered. Wholesomeness is frequently thought of in terms of purity. However, to be "wholesome," a food need not be a "natural food." It may be a mixture of wholesome ingredients.

Food should be free of any substance deleterious to the health of the consumer. The addition of toxic chemicals, either by accident or otherwise, may render food unsafe. Chemical additives should be used only if officially approved, and if the amount present is within

the limits of any official tolerances which have been established. This applies to pesticides, veterinary drugs, and the migration of substances from packaging material or from food-equipment surfaces into the food itself.

3. *Meet consumer expectations.*—A food-service establishment may take many precautions to prepare and serve a safe food product and yet fail to provide an appealing, pleasant atmosphere, or otherwise to meet consumer expectations. People expect to be served wholesome, appetizing food which has been prepared and handled in a sanitary manner and in a clean environment. The fact that food prepared in an insanitary environment might be clean or that an unclean food might be safe to eat does not make it acceptable to the consumer.

The food sanitarian and the food-service operator recognize that esthetic considerations play an important role in a food-sanitation program. The customer judges an establishment largely on the basis of observation. He may know little about conditions in kitchens or workrooms, but he is conscious of the environment where he is served. An excellent kitchen with superior food-handling techniques is unlikely to be appreciated if the serving area is shabbly and carelessly maintained. The public is frequently more aware, and more critical, of esthetically undesirable conditions than those which may actually be of direct or immediate public health concern, since these latter conditions are usually not observed by the customer.

It is immediately obvious, therefore, that the condition and maintenance of premises, facilities, and equipment must be considered by both industry and the food sanitarian. Floor or floor coverings, condition and repair of walls and ceilings, light and ventilation, upkeep of counters, booths, tables, chairs, and similar appurtenances are a part of a food-sanitation program and should not be lightly dismissed. While it would be difficult to prove a direct cause-and-effect relationship between the physical condition of fixed nonfood-handling equipment or facilities and foodborne disease outbreaks, the public will frequently and justifiably voice strong resentment with an official agency which neglects provisions of the food ordinance covering these features.

While esthetic considerations must be recognized as having a place in the overall program, it is essential to understand that they are less important than the food itself, the personnel employed, and the manner in which processing, storage, and serving are carried out. It is illogical to rigidly enforce specifications involving floor materials or wall color, while overlooking more critical items such as the source or wholesomeness of food received, the temperature at which potentially hazardous food is held, facilities for hand washing, and insect and

rodent control. In a well-operated program, items which contribute most directly to food protection should receive primary attention. It is most important in a food-sanitation program to maintain proper perspective.

C. Scope of the Program

A food-service sanitation program should be designed to cover all eating and drinking establishments where food or beverage is served or provided the public, as well as those kitchens, commissaries, and similar food-preparation establishments which are used for the final preparation of food for service to the consumer elsewhere. In addition, it is necessary that all aspects of food sanitation problems receive attention. It is not sufficient to apply sanitation standards to food-service establishments only. The source of food, food products, and ingredients, as well as transportation methods of all food utilized in the community, should be subjected to control.

The number and kinds of food-service establishments will vary with the community, depending upon the size and background of the community involved, and may be divided into a number of categories, depending upon the types of service rendered.

The first category is represented by those establishments open to public patronage. Within this classification, there are restaurants, cafes, cafeterias, luncheonettes, soda fountains, taverns, bars, hotels, drive-ins, mobile food and drink units, and the fast expanding food-catering business. These establishments actively solicit public patronage and, numerically, represent the largest group.

Worthy of special note are mobile units which are being utilized in rapidly expanding numbers. Such units should adhere to all applicable food-sanitation standards and practices. In order that such units may operate in conformity with necessary requirements, it is necessary that they operate out of approved depots or commissaries. Depot or commissary arrangements should be such as to enable operators of mobile food units to adhere to such requirements as those relating to liquid-waste disposal, solid-waste disposal, bulk storage of food and containers, dressing or locker room facilities, washing and bactericidal treatment of equipment and utensils, safe water source, and other food protection items which are not applicable to the mobile unit itself.

The second category is represented by those offering semipublic food service. In this category are hospitals, other related medical facilities, schools and educational institutions at various levels, employee cafeterias and dining rooms in office buildings, large department stores, and industrial plants. In this group, food service is not

the primary function of the establishment. While some public patronage may be permitted, the operation is carried on basically as a service for persons to whom other facilities are not available. In contrast to restaurants or other commercial establishments, public patronage is not actively solicited. However, the food service operations of this group need to be, and generally are, included within the scope of the food-sanitation program.

The third category of establishments is represented by those providing a limited type of food service. Within this classification are private clubs, fraternal orders, societies of various types, churches, and religious-affiliated organizations. Guests may be accommodated upon the invitation of members. This category, however, does not include establishments and facilities operated by such organizations or institutions for public patronage. In cases of this type, the establishment and operations should be subject to all sanitary requirements applicable to commercial food-service establishments. From the standpoint of public health significance, the limited type of food-service operations of clubs, societies, and similar organizations present problems which do not differ materially from those encountered in public and semipublic operations. Foodborne disease outbreaks have occurred and continue to occur from food served at clubs, church socials and suppers, at picnics, banquets, and catered affairs. For this reason, public health authorities should work with the community group responsible for this type of food-service operation, in order to insure the application of food protection measures.

Current practice relating to this category of food service varies throughout the country. Some health agencies make no differentiation between private clubs serving food and drink and public food-service establishments. All are subject to the same permit requirements and public health standards. On the other hand, food-sanitation ordinances of some municipalities may exempt "private" clubs, and church-affiliated or certain educational organizations from permit or license requirements and regular sanitary supervision. When this is the case, a rather substantial segment of the population receives no official health protection in this area of food control. The fact that a club limits patronage to members only is not a valid reason to forego official supervision. Experience has shown that progressive club management welcomes official health counsel when informed of its availability.

Experience also indicates that too few health agencies take an active part in the supervision of food-service operations of churches and institutions having religious affiliations. This is a serious omission. The number of persons served food by such institutions is high, and because food-sanitation principles are often not observed, the hazard

in terms of potential foodborne illness is significantly greater than from foods served by establishments under official supervision.

A planned program of supervision is definitely needed. The health agency might well approach the problem from an educational viewpoint. Where official agencies have initiated a planned program with church-affiliated groups, such programs have been well received. In a number of instances, health agencies have developed working agreements with such groups. Whenever a function open to the public is to be held, the health agency is notified, and a joint review of the menu, food preparation plans, and serving arrangements are made. Many of the larger churches have a kitchen manager. Such a person may serve as the contact between the church and the health agency. If there is no manager, the standing committees responsible for planning church-sponsored socials and suppers may be the contact point.

A cooperative working relationship should be developed on an advisory basis with church-affiliated and religious organizations, societies, civic groups, and the like. Excellent educational media is available which can be effectively used with such organizations to teach the basic principles of food hygiene.

The final category includes "temporary food-service establishments." Some modifications of physical facilities may be warranted for such establishments because of their temporary nature. For example, it may not be feasible to require permanent water and sewer connections. Similarly, requiring finished walls and ceilings, toilets intergral with the installation, and other permanent fixtures may also be impractical. However, no exceptions should be made which permit insanitary food-service methods.

There are a number of other problems associated with all types of food-service establishments which fall within the scope of a proper food-sanitation program. One of such problems is the transport of prepared food for both short and long distances. It is extremely important that the food-sanitation program provide for positive protection of food against contamination from dust, animals, vermin, and other sources, and for maintenance of proper food temperatures at all times during such transport operations.

Another problem is the need to exercise indirect control over related food industries which supply these establishments. For example, the use by food processors of only approved food additives and packaging materials should be required before food products so prepared and packaged can be sold in establishments operating under a food-service sanitation program.

It is desired to reemphasize that the purpose of a food-sanitation program is to prevent illnesses arising from food served in food-

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service establishments. The program must be broad enough in scope to regulate the sources of food, as well as all aspects of food service which affect the sanitation and safety of the final product.

Cooperative effort on the part of industry and government is essential to the development and maintenance of high standards of sanitation in food-service establishments. Wholehearted cooperation between representatives of industry and official agencies in studying and dealing with local problems can make possible a quicker and more successful approach toward the goal of substantial compliance with these sanitation standards set forth in PART V of this manual. Achievement of this goal will contribute to both the health and welfare of the consuming public, and the good reputation and success of the local food-service industry.

PART II

CONDUCTING AN EFFECTIVE FOOD SANITATION PROGRAM

A. General

Consumer protection through the application of sound public health practices is a basic responsibility of public health agencies. Food sanitation is an important public health activity and usually accounts for a large share of the environmental health expenditures by modern, progressive health departments. The public is frequently more aware of the health department's food-sanitation activity than most other environmental health programs. Therefore, a health agency is often judged by the quality of its food-sanitation program and by the competence of food-sanitation personnel.

A good food-sanitation program is a tangible commodity that can be understood, and sold to an enlightened public. Citizens are vitally interested in this activity and want health agencies to do an effective job.

While food sanitation and the protection of the public on a day-to-day basis must be achieved by the food industry, health agencies have a responsibility to see that the job is accomplished. Where a sound, continuous, comprehensive program is established, operators and employees are aware of its purpose and what it involves. They find that higher staff morale, better quality service, and more customers are the reward for a job well done. They also find that a climate of cleanliness is an important factor in the success of any food-service enterprise.

An effective food-sanitation program is not only of immense importance to the public health, but also is valuable in creating and maintaining esthetically desirable conditions throughout a community. This leads to a feeling of pride and support for the activity on the part of all citizens, and on the part of the food industry, due to increased business and income. The health department also enjoys the pride, prestige, status, and recognition that follow *performance* of a job well done.

Food-sanitation programs should be based on nationally accepted public health principles and standards. Although the purposes and

objectives of all food-sanitation programs are the same, local customs and problems make it probable that the methods needed to achieve such objectives will vary. Accordingly, there is no standardized method for effecting a food-sanitation program. Such programs are concerned with motivating people to apply sound food-sanitation principles, making it necessary to take into consideration local desires, problems and needs when implementing the program. However, certain basic principles must be understood and accepted if the program's objectives are to be achieved. The following principles and suggestions have been found to be common denominator elements of successful programs which have been accepted or demanded by communities throughout the country.

B. Staff Competency and Training

Codes and ordinances are no substitute for well-qualified, well-trained and competent sanitation personnel. While the sanitarian's personality and public-relations ability are equally as important as his technical knowledge, it is essential that all personnel have educational and experienced backgrounds which qualify them to engage in technical and professional activities. The director of a division or section of food control must have demonstrated ability to plan, administer, and promote an effective program.

It is recognized that many food-sanitation personnel have become proficient by virtue of experience and in-service training; however, it is recommended that newly appointed directors of food-sanitation programs have a graduate degree relating to sanitary science and public health or the equivalent in education and experience with no less than a bachelor's degree emphasizing the biological and physical sciences relating to sanitary science and public health. Food sanitarians entering employment should have such an undergraduate degree as a minimum entrance requirement.

Intellectual keenness and the ability to carry out duties effectively are necessary attributes. The modern food industry is complex, calling for personnel with technical competence, and the ability to evaluate situations and make sound, accurate decisions.

All food-sanitation personnel must have adequate orientation and in-service training to remain current in their field. This is an activity of major importance in any good health department and requires a full-time training officer in larger agencies. Periodic on-the-job training is essential to the efficient performance of duties.

New personnel having the necessary academic preparation in the basic sciences often lack field experience in food sanitation. Since specialists in food sanitation are the product of training and experi-

ence, orientation and training in operational policies and in the principles of food protection are therefore necessary. Training must be followed by closely supervised field experience under the guidance of qualified employes of demonstrated ability. New employees must be well versed in their duties, responsibilities, and in proper public relations before being assigned.

Professional meetings and educational conferences for sanitation personnel constitute an important method of further in-service training. Likewise, technical and professional journals and books relating to public health and sanitary science should be available to every sanitarian as an incentive for constant self-improvement.

It is desirable that personnel have knowledge of food protection activities in other communities. Such knowledge provides new ideas, approaches, methods, procedures, improved policies, and better public relations, all of which result in improved food sanitation.

Health agencies must have sound personnel policies requiring proper job qualifications, merit systems or civil service for employees and realistic salary levels. By the same token, government and industry will desire that those who supervise and regulate do so at a level of responsible performance which will insure the highest degree of consumer protection. A feeling of mutual respect, understanding, and confidence must exist between government and industry personnel. Many notable examples of success in food-control programs are indelibly marked by leadership and an equal sharing of responsibility on the part of both industry and government.

C. Public Relations—A Necessity

The principles of public relations should, without a doubt, be understood and constantly practiced in the course of executing a food-sanitation program. We are dealing with people and every legitimate practice and technique must be employed to interpret the program's needs and objectives and to motivate people to cooperate. Food sanitarians would do well to acquire and apply basic public-relations skills.

The media of mass communication can be the sanitarian's most important ally, but his relationship with reporters must be such that it will permit a free exchange of information and will create an atmosphere of mutual understanding and trust. It is highly desirable to stress the *positive* in terms of improvement, achievement, new programs, appointments, promotions, and similar developments. However, the news media and the public are also interested in official actions and should be kept informed concerning them. Such practice promotes better understanding and appreciation of the program by every-

one concerned: the public, the food industry, and food sanitation personnel.

Sanitarians should have a practical understanding of the fundamentals of human motivation. It is more productive to work with groups than with individuals. Food sanitarians must understand that there is considerably more to their duties and responsibilities than making inspections, and that other types of activities are frequently more productive and rewarding. Such activities include taking the necessary time to talk to a class or civic group, preparing news announcements, participating on radio or TV programs, and designing educational material. Sanitarians should engage in such activities as frequently as possible. The promotion and interpretation of food-sanitation needs and goals can often be more easily accomplished when understood and supported by community leaders or civic groups.

Whenever a food sanitarian contacts a food-service establishment, his recommendations may incur an expense for the operator. Selling the need, importance, and benefits of such recommendations is a public-relations challenge.

D. Working With Other Agencies and Groups

Food sanitarians cannot do the job by themselves. However, many program objectives may be achieved by the food sanitarian, in his dual role of consultant and educator, by enlisting the cooperation of diverse groups in the community, such as contractors, schools and churches, builders, the medical society, food-industry organizations, architects, community councils, labor unions, realtors, and civic clubs, as well as local governing bodies, legislators, and the city or district attorney. At times, it is more productive for a food sanitarian to participate in civic group work relating to food sanitation than to adhere merely to a set quota of work units. These groups and individuals should be brought into and participate in the planning and operational stages of the food program. To wait until an emergency situation occurs requiring their understanding and participation may be too late.

To be fully effective, a local food-sanitation program must rely on and cooperate with other agencies involved in food protection, such as State agencies, the U.S. Public Health Service, the U.S. Food and Drug Administration, and the U.S. Department of Agriculture. Such cooperation has become increasingly important as a result of the widespread movement and transportation of raw and prepared foods and food products.

Valuable advice and technical assistance can also be obtained by a close working relationship with State and Federal agencies in pro-

moting uniformity of interpretation and administration, and through an exchange of information. Procedures developed in one community may be useful to others. State and Federal personnel may be able to specialize to a greater degree than local personnel and thus be of help on specialized problems. State and Federal agencies should exercise leadership, foster training activities, develop standards, encourage and support local health departments, and promote necessary research.

Both industry and health agencies have particular competencies within their spheres of interest. As a result, joint health-industry advisory committees have frequently provided valuable assistance in the evaluation of new developments, techniques, and procedures. While the legal obligation to enforce the laws and regulations rests with the health department, such advisory committees may be helpful in counseling on broad policy matters and in helping to establish and maintain wholesome industry-health department relationships. Benefits accrue to both the official agency and industry where program development and improvement are brought about through cooperative efforts.

E. Administrative Considerations

The degree of competence of food-sanitation personnel and the effectiveness of administration are major factors in achieving the objectives of a food-sanitation program regardless of the type of enforcement methods employed. While the administrator must consider consumer protection foremost, he should at the same time have an understanding of industry's problems, and be reasonable, fair, and impartial. This, admittedly, is a big order, but food sanitation is a big job. The administrator cannot afford to be mistaken in his judgment nor unreasonable in his decisions, since such decisions are concerned with the health of everyone in his community. Success in food-sanitation and consumer-protection programs depends in large measure upon top-level health department and governmental understanding, interest, and support.

The administrator of a food-sanitation program will find it advantageous to consider certain other suggestions which are basic to good administration, many of which will also help promote a positive working relationship between the health department and industry. The following points have been found to be helpful in some communities in achieving an acceptable level of food protection:

(1) Food sanitarians will find it valuable to attend and participate in meetings and activities of food-industry organizations.

(2) An important function of health departments is to assist the food industry in understanding and accepting its food-sanitation re-

sponsibilities and obligations. This includes cooperating with industry in organizing, promoting, and participating in training both food-service management and employees. There are large quantities and varieties of printed educational material which can be mailed or otherwise distributed by or through the food industry to interpret and explain more fully the need for sanitary procedures and requirements.

(3) Letters of commendation to deserving operators for specific achievements have been found to be a useful technique in conducting an effective food-protection program.

(4) All violations should be recorded and explained to the person in charge of the establishment at the time of each visit. Such a policy will prevent many misunderstandings.

(5) To the extent possible, the food sanitarian should function as an educator and consultant. However, he must exercise the necessary enforcement authority where cooperation cannot otherwise be obtained.

(6) While sanitation laws or regulations are essential to the conduct of a food-sanitation program, the effectiveness of such requirements is largely dependent upon the quality of administration and the competency of the personnel.

(7) The availability of funds for food control will, to a large degree, determine the amount of effort that can be given to food-protection activities, since a large portion of most food-sanitation budgets is required for personnel. The size of the food-sanitation staff needed to conduct a particular food-protection program is dependent upon a number of factors. The number and kind of food establishments to be inspected, the frequency with which inspections are to be made, and the depth of the program in terms of consultative and educational services are among the factors which play an important part in determining the funds needed for an effective program. If adequate funds are to be budgeted, local governing bodies must be acquainted with the objectives of the program, and should be furnished pertinent data, such as the types of services to be offered and estimated workloads. There is no established formula setting forth the ratio of staff to the number of establishments to be inspected. In some situations, 10 inspections per year per establishment are not as productive as half that number in others. Staff competency and inspection quality are so closely correlated that it is difficult to set an arbitrary figure. An average workload of 150 establishments per man has been suggested as a standard in the book entitled, "Administration of Community Health Services."[2] A minimum of two in-

[2] International City Manager's Association, "Administration of Community Health Services," first edition, 1961, ch. 8, p. 157.

spections of each establishment per year is required by this ordinance, but this is to be regarded as a minimum and must not be construed as optimum. For example, a well-operated establishment with properly trained employees will usually need less attention than one that is poorly operated and maintained. Since customer protection is the fundamental objective of food control, inspection frequency should be dependent upon the type of operations conducted, the problems encountered, and, to some extent, the size of the establishment. In the final analysis, of course, local administrations must decide how complete their food-sanitation programs will be.

(8) In effective, well-administered programs it has been found that industry's requests for consultative services are high. Industry is quick to recognize technical competence and make use of it. The provision of this type of service by health agencies has proven to be of great value in establishing and maintaining a high degree of food protection.

(9) Educational programs and related activities constitute another factor to be considered in planning. If conferences and institutes for food-service personnel are a regular part of the program, time must be allocated for this. Unless the staff size is above average, the educational work generally falls to members of the operating staff, and consequently reduces the time for inspectional duties. An administrative decision must be made to determine how much of the program can be devoted to educational work and how much to sanitary surveillance. Each should have its proportionate share of time in that both are important to a good program.

(10) Record keeping is another important consideration. Many good record systems serve their intended purpose well. However, it should be pointed out that all records made incident to a food program are legal documents and must be accurate and complete. The completeness and accuracy of records frequently determines the outcome of litigation in court actions. Aside from the legal viewpoint, records are highly important as a measure of progress. Records should be kept current and should contain sufficiently complete information so that the administrator is able to determine promptly the current status of an establishment. Records also serve as an aid in program evaluation and planning.

F. Industry Considerations

Any business or profession carries with it certain obligations and responsibilities. Food-service operators have a personal responsibility to prevent foodborne illness and to maintain the highest possible standards of customer protection. Food-sanitation personnel have these as

public responsibilities. Accordingly, both food-service operators and food-sanitation personnel have a mutual interest in and responsibility for achieving that level of food-sanitation standards and practices which is effective in protecting the public health.

While progressive food-service operators realize that legal requirements are usually based on *minimum* acceptable standards, they should also recognize that industry's own requirements must be based on *maximum* standards if food establishments are to prosper. Such operators incorporate improvements in food-service operations which offer additional protection to the public and lead to improved food sanitation and, in so doing, provide leadership to the entire industry.

Management realizes that customers desire and deserve high-quality food sanitation. Responsible operators are quick to acknowledge the importance of well-trained employees and conduct sound employee-training programs as an integral part of their food-service operations. They seek the assistance of official agency food-sanitation personnel for discussions relating to sanitation standards and requirements, and to review public health needs. Owners and operators have found that they benefit immeasurably from such employee-training activities and that the success of the activity depends in large measure on the effectiveness of *management leadership*. As a necessary adjunct to training, management has a responsibility to provide the materials and facilities necessary for employees to practice what they have been taught. Further, it does little good for employees to receive training not participated in and supported by owners and operators. Accordingly, *management*, as well as all other food-service personnel, should *attend* such training courses.

The industry should assist in improving their local health department operations as they relate to food sanitation and in upgrading the food industry. Where health agencies receive the organized support and cooperation of the food industry, the objectives of an effective food-sanitation program are more easily achieved.

Other types of industry activities which have produced meritorious results by helping to provide a coordinated industry-health approach to problems in the field of food protection include:

(1) Establishing minimum sanitation standards for eligibility for membership in food-service associations.

(2) Awarding an "achievement citation" to food sanitarians for outstanding accomplishments.

(3) Encouraging and supporting uniform and impartial interpretations and application of food-sanitation codes.

(4) Promoting an understanding of the need for and the benefits to be derived from industry self-inspection, and to promote its acceptance by individual operators.

G. Financial Considerations

It takes money to prevent disease and protect consumers. Adequate financing is of paramount importance to gaining the objective of a food-sanitation program. Also, adequate financing of a food-protection program is in the best public interest for improved public health, desirable community sanitation, tourist attraction, and good business. The following are some of the more important financial considerations involved:

(1) The degree of competence of public health personnel is a major factor in effecting any type of environmental sanitation activity. Competent personnel cannot be recruited or kept without salaries commensurate with their training and ability. Salaries should be based on local conditions and in line with salaries and benefits offered comparable personnel by other local agencies and industry.

(2) Even competent personnel will be ineffective without budgeting adequate funds to allow for necessary local travel, materials, printing, books and journals, technical equipment, and other essentials to program operations. The expense budget should allow for frequent training in short courses and at professional and educational conferences so that personnel will continue to be informed, enthusiastic, and effective.

H. Supportive Facilities and Equipment

Supportive facilities and equipment are essential in the promotion and maintenance of a high level of food sanitation. While public relations, observations, and interpretations are highly important, many determinations and evaluations can only be made in a public health laboratory or by the sanitarian utilizing appropriate field equipment and devices. Certain basic facilities and equipment should therefore be available to every food sanitarian. Some of these are as follows:

(1) A food-sanitation activity cannot be complete without access to a properly equipped and functioning laboratory. The laboratory assists the sanitarian in identifying and analyzing problems, as well as aiding in epidemiological investigations.

(2) The sanitarian should have ready access to thermometers, appropriate test kits for chemicals and sanitizers, a light meter, flashlight, a black light (ultraviolet), a water-pressure gage, a pyrometer and thermocouples, a camera, a metal measuring tape, a clipboard, a stopwatch, and an epidemiological investigation kit including instructions, forms, sterile sample equipment and an insulated sample case, and other items of equipment needed to function effectively in the field.

I. The Need for Program Evaluation

A food-sanitation program should produce and maintain results which are of obvious value to the community and which are commensurate with the cost of operating and supporting the program. Otherwise, the program does not reflect wise use of public funds. Therefore, there is need for frequent review and evaluation of program needs, objectives, and achievements. The program should be evaluated on the basis of accomplishment and future needs rather than on the basis of work units, number of inspections, or effort. Such evaluations should also serve to modify the goals and objectives of the program as might be needed. The objectives must be based on a realistic and acceptable level of public health and food sanitation for the particular time and place. Such objectives may need to be revaluated, and altered or updated as social and economic changes occur within the community. The immediate objectives may be different at different stages of the program, but long-range goals will remain essentially the same. However, it must be remembered that more and more the public is demanding higher levels of food sanitation, and this may require further upgrading of goals as time progresses and improvement is achieved.

The health agency must have the "feel" of the community and be able to stimulate achievement of the optimum level of compliance. As a program nears perfection, the point of diminishing returns comes nearer and overall improvement becomes more difficult to attain.

Self-evaluations are necessary and valuable, and should be a continuing activity and a worthwhile subject for frequent discussion at staff meetings. However, at intervals, a more objective evaluation of program compliance and administrative methods, which may be performed by food-sanitation personnel from the State health department, will be found important in program progress. The survey and evaluation procedures of such personnel can be standardized periodically for uniformity of procedures and interpretations by a regional milk and food consultant from the U.S. Public Health Service.

J. Preventive Aspects of Food Protection

While it is recognized that good sanitation means good business, it must be understood that achieving necessary and desirable levels of sanitation costs money. There is a price that must be paid for safe food, pure air, safe water supplies, and all other factors which reduce disease and increase enjoyment and well-being. But the price of disease is greater!

Food-protection programs are preventive programs. Standards and requirements must necessarily include built-in safety factors to assure that the program will be effective. Standards must be designed to minimize hazards resulting from any breakdown of routine controls and slip-ups, and to cope with any extreme situation which might be encountered.

Everyone concerned with a food-sanitation program must recognize the importance of the activity. The health of the public is at stake. If administrative or legal action becomes necessary, consumer protection must be considered foremost, and such action should be taken promptly, fairly, and impartially. When public health is in the balance, compliance with sanitation requirements must be the primary concern, and must not be overshadowed by economic considerations. Good public health practice is preventive, not curative.

Experience has demonstrated conclusively that impartial, strict enforcement of the ordinance leads to a wholesome relationship between the health department and industry and creates an atmosphere which produces maximum benefits in terms of food protection.

PART III

ADOPTION BY REFERENCE FORM—UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE

(This short form is suggested for adoption by States, municipalities, counties, or health districts subject to the approval of the appropriate legal authority. The adoption of this short form will reduce the cost of publishing and printing, and is considered legal in many States. The Council of State Governments has prepared a model law, "Milk and Food Codes Adoption by Reference Act."[3] It is recommended for enactment by States to enable communities to adopt certain ordinances by reference.)

An ordinance defining food, potentially hazardous food, adulterated, misbranded, food-service establishment, temporary food-service establishment, health authority, utensils, equipment, etc.; providing for the sale of only unadulterated, wholesome, properly branded food; regulating the sources of food; establishing sanitation standards for food, food protection, food-service personnel, food-service operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits for the operation of food-service establishments; regulating the inspection (grading, regrading, and placarding)[4] of such establishments; providing for the examination and condemnation of food; providing for incorporation by reference of the 1962 Edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code"; and providing for the enforcement of this ordinance, and the fixing of penalties.

Be it ordained by the _____ of the municipality[5] of _____ as follows:

SECTION 1. The definitions; the inspection of food-service establishments; the issuance, suspension and revocation of permits to operate food-service establishments; the prohibiting of the sale of adulterated

[3] A copy of the model act is included in "Suggested State Legislation Programs for 1950," developed by the Council of State Governments.

[4] Communities which wish to adopt the nongrading form of the ordinance should delete this parenthetical phrase. Communities wishing to use the grading form of the ordinance should delete the parentheses.

[5] Substitute proper legal jurisdiction here and in all similar places throughout the ordinance.

or misbranded food or drink; and the enforcement of this ordinance shall be regulated in accordance with the unabridged form of the 1962 Edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code", three certified [6] copies of which shall be on file in the office of the municipal clerk: [7] *Provided*, That the words "municipality [7] of _____" in said unabridged form shall be understood to refer to _____ of _____: *Provided further*,[8] That in said ordinance all parenthetical phrases referring to grading and subsection H. 2. e. shall be understood to be deleted: and *provided further*, That subsections H. 7. and H. 8. shall be understood to be deleted.

SECTION 2. Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than _____. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.[9]

SECTION 3. This ordinance shall be in full force and effect 12 months after its adoption and publication as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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[6] Certified copies of the ordinance and code may be obtained, upon request, from the U.S. Public Health Service, Washington 25, D.C.

[7] See footnote 5, page 20.

[8] Communities which wish to adopt the grading form of the ordinance should delete this proviso and insert the following: "*Provided further*, That in said ordinance the parentheses enclosing words referring to grading shall be understood to be deleted.

[9] This provision must be worded in accordance with community laws and the State Constitution. Where legally possible, the desirability is suggested of prescribing a minimum fine, and an increased fine for second and subsequent offenses.

PART IV

UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE

(1962 Recommendations)

An ordinance defining food, potentially hazardous food, adulterated, misbranded, food-service establishment, temporary food-service establishment, health authority, utensils, equipment, etc.; providing for the sale of only unadulterated, wholesome, properly branded food; regulating the sources of food; establishing sanitation standards for food, food protection, food-service personnel, food-service operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits for the operation of food-service establishments; regulating the inspection (grading, regrading, and placarding)[10] of such establishments; providing for the examination and condemnation of food; providing for the incorporation by reference the compliance provisions of the 1962 Edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code"; and providing for the enforcement of this ordinance, and the fixing of penalties.

Be it ordained by the ---------- of the municipality [11] of ---------- as follows:

SECTION A. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

1. ADULTERATED shall mean the condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any *added* poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or in part of any filthy,

[10] Communities which wish to adopt the nongrading form of the ordinance should delete this parenthetical expression. Communities wishing to use the grading form of the ordinance should delete only the parentheses.

[11] Substitute proper legal jurisdiction here and in all similar places throughout the ordinance.

putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed, or held under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

2. APPROVED shall mean acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.

3. CLOSED shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

4. CORROSION-RESISTANT MATERIAL shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

5. EASILY CLEANABLE shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

6. EMPLOYEE shall mean any person working in a food-service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

7. EQUIPMENT shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steamtables, and similar items, other than utensils, used in the operation of a food-service establishment.

8. FOOD shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

9. FOOD-CONTACT SURFACES shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

10. FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.

11. FOOD-SERVICE ESTABLISHMENT [12] shall mean any fixed or mobile restaurant; coffeeshop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establish-

[12] See page 1, PART I.

ment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

12. HEALTH AUTHORITY [13] shall mean the health authority of the municipality [14] of _____ or his designated representative.

13. KITCHENWARE shall mean all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.

14. MISBRANDED shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or local labeling requirements.

15. PERISHABLE FOOD shall mean any food of such type or in such condition as may spoil.

16. PERSON shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

17. POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

18. SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of 45° F. or below, and 140° F. or above.

19. SANITIZE shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health authority as being effective in destroying microorganisms, including pathogens.

20. SEALED shall mean free of cracks or other openings which permit the entry or passage of moisture.

21. SINGLE-SERVICE ARTICLES shall mean cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

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[13] In jurisdictions where the authority for the enforcement of this ordinance is vested in any agency other than the health department, the proper authority should be substituted for the term "health authority" wherever the term appears in this ordinance.

[14] See footnote 11, page 22.

22. TABLEWARE shall mean all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).

23. TEMPORARY FOOD-SERVICE ESTABLISHMENT shall mean any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

24. UTENSIL shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

25. WHOLESOME shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

SECTION B. FOOD

1. FOOD SUPPLIES: All food in food-service establishments shall be from sources approved or considered satisfactory by the health authority, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used.

2. FOOD PROTECTION: All food while being stored, prepared, displayed, served, or sold at food-service establishments, or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at *safe* temperatures (45° F. or below, or 140° F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again: *Provided*, That wrapped food which has not been unwrapped and which is wholesome may be reserved.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

SECTION C. PERSONNEL

1. HEALTH AND DISEASE CONTROL: No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute

respiratory infection, shall work in any area of a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health authority immediately.

2. CLEANLINESS: All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS: All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant and relatively nonabsorbent: *Provided*, That, when approved by the health authority, exceptions may be made to the above materials requirements for equipment such as cutting boards, blocks, and bakers' tables.

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are nontoxic.

Single-service articles shall be made from nontoxic materials.

2. CLEANLINESS OF EQUIPMENT AND UTENSILS: All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces

of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

SECTION E. SANITARY FACILITIES AND CONTROLS

1. WATER SUPPLY: The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water under pressure shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.

Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

2. SEWAGE DISPOSAL: All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the health authority.

3. PLUMBING: Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

4. TOILET FACILITIES: Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the

use of non-water-carried sewage disposal facilities have been approved by the health authority, such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

5. HAND-WASHING FACILITIES: Each food-service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

6. GARBAGE AND RUBBISH DISPOSAL: All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use: *Provided*, That such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

7. VERMIN CONTROL: Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

SECTION F. OTHER FACILITIES AND OPERATIONS

1. FLOORS, WALLS, AND CEILINGS: The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable: *Provided*, That the floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

2. LIGHTING: All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

3. VENTILATION: All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire-prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

4. DRESSING ROOMS AND LOCKERS: Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food preparation, storage, and serving areas, and the utensil-washing and storage areas: *Provided*, That, when approved by the health authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

5. HOUSEKEEPING: All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food-service establishment operations: *Provided*, That guide dogs accompanying blind persons may be permitted in dining areas.

SECTION G. TEMPORARY FOOD SERVICE ESTABLISHMENTS

A temporary food-service establishment shall comply with all provisions of this ordinance which are applicable to its operation: *Provided*, That the health authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

SECTION H. ENFORCEMENT PROVISIONS

1. PERMIT: It shall be unlawful for any person to operate a food-service establishment within the municipality [15] of _____, or its police jurisdiction, who does not possess a valid permit issued to him by the health authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food-service establishment. Permits for temporary food-service establishments shall be issued for a period of time not to exceed 14 days.

a. Issuance of Permits: Any person desiring to operate a food-service establishment shall make written application for a permit on forms provided by the health authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses shall be included; the location and type of the proposed food-service establishment; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.

Upon receipt of such an application, the health authority shall make an inspection of the food-service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health authority.

b. Suspension of Permits: Permits may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this ordinance.

Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of section H. of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended (or the establish-

[15] See footnote 11, p. 22.

ment downgraded),[18] and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the permit holder.

Notwithstanding the other provisions of this ordinance, whenever the health authority finds insanitary or other conditions in the operation of a food-service establishment which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible.

c. Reinstatement of Suspended Permits: Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatment of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

d. Revocation of Permits: For serious or repeated violations of any of the requirements of this ordinance, or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Prior to such action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the health authority, by the permit holder, within such 5-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

e. Hearings: The hearings provided for in this section shall be conducted by the health authority at a time and place designated by him. Based upon the record of such hearing, the health authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the

[18] See footnote 10, p. 22.

hearing decision shall be furnished to the permit holder by the health authority.

2. INSPECTION OF FOOD-SERVICE ESTABLISHMENTS: At least once every 6 months, the health authority shall inspect each food-service establishment located in the municipality [17] of _____, or its police jurisdiction, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this ordinance.

a. Access to Establishments: The health authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment within the municipality [17] of _____, or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

b. Inspection Records; Demerit Values; Demerit Scores: Whenever the health authority makes an inspection of a food-service establishment, he shall record his findings on an inspection report form provided for this purpose, and shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of sections B. through G. of this ordinance and shall set forth demerit point values for each such requirement, in accordance with PHS Form 4006,[18] which is a part of this section. Upon completion of an inspection, the health authority shall total the demerit point values for all requirements in violation, such total becoming the demerit score for the establishment.

c. Issuance of Notices: Whenever the health authority makes an inspection of a food-service establishment and discovers that any of the requirements of sections B. through G. of this ordinance have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the health authority shall:

(1) Set forth the specific violations found, together with the demerit score of the establishment.

(2) Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:

(a) When the demerit score of the establishment is 20 or less, all violations of 2 or 4 demerit points must be corrected by the time of the next routine inspection; or

[17] See footnote 11, p. 22.

[18] Copy of PHS Form 4006 is appended between pp. 76 and 77.

(b) When the demerit score of the establishment is more than 20 but not more than 40, all items of 2 or 4 demerit points must be corrected within a period of time not to exceed 30 days; or

(c) When one or more 6 demerit point items are in violation, regardless of demerit score, such items must be corrected within a period of time not to exceed 10 days.

(d) When the demerit score of the establishment is more than 40, the permit is immediately suspended.

(e) In the case of temporary food-service establishments, violations must be corrected within a specified period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.

(3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit (or the establishment downgraded [19]).

(4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period of time established in the notice for correction.

d. Service of Notices: Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.

(e. Grading of Food-Service Establishments: Every food-service establishment in the municipality [20] of _____, or its police jurisdiction, shall display, in a place designated by the health authority, a placard approved by the health authority stating the grade received at the time of the most recent inspection of the establishment: *Provided*, That temporary food-service establishments shall not be subject to grading.

Grades of establishments shall be as follows:

Grade A. An establishment having a demerit score of not more than 10.

Grade B. An establishment having a demerit score of more than 10 but not more than 20.

Grade C. An establishment having a demerit score of more than 20 but not more than 40.

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[19] See footnote 10, p. 22.

[20] See footnote 11, p. 22.

Notwithstanding the grade criteria established above, whenever a second consecutive violation of any item of 2 or 4 demerit points is discovered, the permit may be suspended (H. 1. b.) or in lieu thereof, the establishment shall be downgraded to the next lower grade.

Immediately following each inspection, the health authority shall post the appropriate grade based upon the inspection findings, and shall issue an appropriate notice in accordance with subsection H. 2. c. of this ordinance.

The permit holder or operator of any establishment, the grade of which has been lowered, may at any time request an inspection for the purpose of regrading the establishment. Within 10 days following receipt of a request including a signed statement that the conditions responsible for the lowering of the grade have, in the applicant's opinion, been corrected, the health authority shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the higher grade requirements; and, if the findings indicate compliance, shall award the higher grade.)[21]

3. EXAMINATION AND CONDEMNATION OF FOOD: Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the health authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in subsection H. 2. c. (4), and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance: *Provided*, That such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

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[21] See footnote 10, p. 22.

4. FOOD-SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY: Food from food-service establishments outside the jurisdiction of the health authority of the municipality[22] of ---------- may be sold within the municapility[22] of ---------- if such food-service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.

5. PLAN REVIEW OF FUTURE CONSTRUCTION: When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the health authority for approval before such work is begun.

6. PROCEDURE WHEN INFECTION IS SUSPECTED: When the health authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee, the health authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments; (b) the immediate closure of the food-service establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists; (c) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

7. ENFORCEMENT INTERPRETATION: This ordinance shall be enforced by the health authority in accordance with the interpretations thereof contained in the compliance provisions of the 1962 Edition of the "United States Public Health Service Food-Service Sanitation Ordinance and Code", three certified[23] copies of which shall be on file in the municipal clerk's office.[22]

8. PENALTIES: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction

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[22] See footnote 11, p. 22.

[23] Certified copies of the ordinance and code may be obtained, upon request, from the U.S. Public Health Service, Washington 25, D.C.

thereof, shall be punished by a fine of not more than _____. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.[24]

9. REPEAL AND DATE OF EFFECT: This ordinance shall be in full force and effect 12 months after its adoption and publication as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

10. UNCONSTITUTIONALITY CLAUSE: Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

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[24] This provision must be worded in accordance with community laws and the State Constitution. Where legally possible, the desirability is suggested of prescribing a minimum fine, and an increased fine for second and subsequent offenses.

PART V

UNITED STATES PUBLIC HEALTH SERVICE FOOD SERVICE SANITATION ORDINANCE AND CODE

(1962 Recommendations)

An ordinance defining food, potentially hazardous food, adulterated, misbranded, food-service establishment, temporary food-service establishment, health authority, utensils, equipment, etc.; providing for the sale of only unadulterated, wholesome, properly branded food; regulating the sources of food; establishing sanitation standards for food, food protection, food-service personnel, food-service operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits for the operation of food-service establishments; regulating the inspection (grading, regrading, and placarding)[25] *of such establishments; providing for the examination and condemnation of food; and providing for the enforcement of this ordinance, and the fixing of penalties.*

Be it ordained by the ---------- of the municipality[26] *of ---------- as follows:*

SECTION A. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

1. ADULTERATED *shall mean the condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed, or held*

[25] Communities which wish to adopt the nongrading form of the ordinance should delete this parenthetical expression. Communities wishing to use the grading form of the ordinance should delete only the parentheses.

[26] Substitute proper legal jurisdiction here and in all similar places throughout the ordinance.

under insanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

2. APPROVED *shall mean acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.*

3. CLOSED *shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.*

4. CORROSION-RESISTANT MATERIAL *shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds, and sanitizing solutions which may contact it.*

5. EASILY CLEANABLE *shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.*

6. EMPLOYEE *shall mean any person working in a food-service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.*

7. EQUIPMENT *shall mean all stoves, ranges, hoods, meatblocks, tables, counters, refrigerator, sinks, dishwashing machines, steamtables, and similar items, other than utensils, used in the operation of a food-service establishment.*

8. FOOD *shall mean any raw, cooked, or processed edible substances, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.*

9. FOOD-CONTACT SURFACES *shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.*

10. FOOD-PROCESSING ESTABLISHMENT *shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.*

11. FOOD-SERVICE ESTABLISHMENT [27] *shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public, or nonprofit organization or institution routinely serv-*

[27] See p. 1, PART I.

ing food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

12. HEALTH AUTHORITY [28] *shall mean the health authority of the municipality* [29] *of* _____ *or his designated representative.*

13. KITCHENWARE *shall mean all multiuse utensils other than tableware used in the storage, preparation, conveying, or serving of food.*

14. MISBRANDED *shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or local labelling requirements.*

15. PERISHABLE FOOD *shall mean any food of such type or in such condition as may spoil.*

16. PERSON *shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.*

17. POTENTIALLY HAZARDOUS FOOD *shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.*

18. SAFE TEMPERATURES, *as applied to potentially hazardous food, shall mean temperatures of 45° F. or below, and 140° F. or above.*

19. SANITIZE *shall mean effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the health authority as being effective in destroying micro-organisms, including pathogens.*

20. SEALED *shall mean free of cracks or other openings which permit the entry or passage of moisture.*

21. SINGLE-SERVICE ARTICLES *shall mean cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping materials; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.*

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[28] In jurisdictions where the authority for the enforcement of this ordinance is vested in any agency other than the health department, the proper authority should be substituted for the term "health authority" wherever the term appears in this ordinance.

[29] See footnote 26, p. 37.

22. TABLEWARE *shall mean all multiuse eating and drinking utensils, including flatware (knives, forks, and spoons).*

23. TEMPORARY FOOD-SERVICE ESTABLISHMENT *shall mean any food-service establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.*

24. UTENSIL *shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.*

25. WHOLESOME *shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.*

SECTION B. FOOD

1. FOOD SUPPLIES: *All food in food-service establishments shall be from sources approved or considered satisfactory by the health authority, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed, nonacid, and low-acid food which has been processed in a place other than a commercial food-processing establishment shall be used.*

Reason: To control foodborne illness and food spoilage, which may result from improperly processed or handled food, the food-service establishment must be concerned with the sources of food which are to be used. The safety and wholesomeness of food is a basic requirement for the protection of the consumer's health. Accordingly, the provisions listed under *Compliance* are intended to insure that food in general, as well as certain food which may be potentially hazardous, is obtained from sources which have been approved or are considered satisfactory by the health authority.

The use of noncommercially processed, hermetically sealed, nonacid, and low-acid food—i.e., food with a pH of more than 4.5—is prohibited because of the history of such food in causing botulism, a type of food poisoning which is frequently fatal. For this reason, such food is required to be obtained only from sources where the conditions and methods of preparation are subject to official regulation or surveillance by State or local governmental authorities.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) Food in the food-service establishment shall be from a source approved, or considered satisfactory, by the health authority and which is in compliance with applicable State and local laws and regulations. Food from such sources shall have been protected from contamination and spoilage during subsequent handling, packaging, and storage, and while in transit.

(2) All food in the food-service establishment shall be wholesome and free from spoilage, adulteration, and misbranding.

b. *Milk and Milk Products:*

(1) All milk and milk products, including fluid milk, other fluid dairy products and manufactured milk products, shall meet the standards of quality established for such products by applicable State and local laws and regulations.

(2) Only pasteurized fluid milk and fluid-milk products shall be used or served. Dry milk and milk products may be reconstituted in the establishment if used for cooking purposes only.

(3) All milk and fluid-milk products for drinking purposes shall be purchased and served in the original, individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser: *Provided*, That cream, whipped cream or half and half, which is to be consumed on the premises, may be served from the original container of not more than one-half gallon capacity or from a dispenser approved by the health authority for such service, and for mixed drinks requiring less than one-half pint of milk, milk may be poured from one-quart or one-half gallon containers packaged at a milk plant.

c. *Frozen Desserts:*

(1) All frozen desserts such as ice cream, soft frozen desserts, ice milk, sherbets, ices, and mix shall meet the standards of quality established for such products by applicable State and local laws and regulations.

d. *Shellfish:*

(1) All oysters, clams, and mussels shall be from sources approved by the State shellfish authority: *Provided*, That if the source is outside the State, it shall be one which is certified [30] by the State of origin.

(2) Shell stock shall be identified with an official tag giving the name and certificate number of the original shell-stock shipper and the kind and quantity of shell stock. Fresh and frozen shucked oysters, clams, and mussels, shall be packed in nonreturnable containers identified with the name and address of the packer, repacker, or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the State.[31]

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[30] The Public Health Service issues a periodic list of shellfish shippers who have been certified by State shellfish control agencies, whose control measures have been endorsed by the Public Health Service. This list is a means whereby the health authority may be assured that all shellfish received from sources outside their jurisdiction are of a satisfactory, sanitary quality. The list can be obtained from the Public Health Service, Washington 25, D.C.

[31] The health authority should check the certificate number against the current list of certified shippers. This certification requirement is not applicable to breaded or other processed shellfish.

(3) Shucked shellfish shall be kept in the original container until used.

e. *Meat and Meat Products:*

(1) All meat and meat products shall have been inspected for wholesomeness under an official regulatory program: *Provided*, That the health authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

f. *Poultry and Poultry Meat Products:*

(1) All poultry and poultry meat products shall have been inspected for wholesomeness under an official regulatory program: *Provided*, That the health authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations.

g. *Bakery Products:*

(1) All bakery products shall have been prepared in the food-service establishment or in a food-processing establishment: *Provided*, That the health authority may accept other sources which are in his opinion satisfactory and which are in compliance with applicable State and local laws and regulations. All cream-filled and custard-filled pastries shall have been prepared and handled in accordance with the requirements of 2. c. (6) of this section.

h. *Nonacid and Low-Acid Hermetically Sealed Food:*

(1) All nonacid and low-acid hermetically sealed food shall have been processed in food-processing establishments.

2. FOOD PROTECTION: *All food while being stored, prepared, displayed, served, or sold at food-service establishments, or during transportation between such establishments, shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (45° F. or below, or 140° F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again: Provided, That wrapped food which has not been unwrapped and which is wholesome may be re-served.*

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

Reason: Wholesome food, if mishandled, can become contaminated from a number of sources. Food-protection measures are designed to eliminate the contamination of food from any source within the establishment, and to prevent the growth of disease-producing organisms, and the production of bacterial toxins, in the event that pathogens are present in the food.

Proper food-protection measures should include (1) strict observation of personal hygiene by all food-service employees; (2) keeping potentially hazardous food refrigerated or heated at all times to temperatures which preclude the growth of any pathogenic organisms which may be present; (3) application of good sanitation practices in the storage, preparation, display, and service of food; (4) adequate cooking of certain food of animal origin to assure destruction of pathogenic organisms which may be present; (5) thorough washing of fruits and vegetables; and (6) the provision of adequate equipment and facilities for the proper conduct of operations. In addition, food must be protected against accidental contamination with any toxic substance.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) All food, while being stored, prepared, displayed, served, or sold in food-service establishments, or transported between such establishments, shall be protected against contamination from dust, flies, rodents, and other vermin; unclean utensils and work surfaces; unnecessary handling; coughs and sneezes; flooding, drainage, and overhead leakage; and any other source.

(2) Conveniently located refrigeration facilities, hot food storage and display facilities, and effective insulated facilities, shall be provided as needed to assure the maintenance of all food at required temperatures during storage, preparation, display, and service. Each cold-storage facility used for the storage of perishable food in nonfrozen state shall be provided with an indicating thermometer accurate to ±2° F., located in the warmest part of the facility in which food is stored, and of such type and so situated that the thermometer can be easily and readily observed for reading.

b. *Temperatures:*

(1) All perishable food shall be stored at such temperatures as will protect against spoilage.

(2) All potentially hazardous food shall, except when being prepared and served, and when being displayed for service, be kept at 45° F. or below, or 140° F. or above.

(3) All potentially hazardous food, when placed on display for service, shall be kept hot or cold as required hereafter:

(a) If served hot, the temperature of such food shall be kept at 140° F. or above;

(b) If served cold, such food shall be:

i Displayed in or on a refrigerated facility which can reduce or maintain the product temperature at 45° F. or below; or

ii Prechilled to a temperature of 45° F. or below, when placed on display for service, and the food temperature shall at no time during the display period exceed 55° F.

(4) Following preparation, hollandaise and other sauces which, pending service, must be held in the temperature range of 45° F. to 140° F., may be exempt from the temperature requirements of this subsection, if they are prepared from fresh ingredients and are discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only shell eggs shall be used.

(5) Frozen food shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 45° F. or below; or under cool, potable running water (70° F. or below); or quick-thawed as part of the cooking process; or by any other method satisfactory to the health authority.

c. *Preparation:*

(1) Convenient and suitable utensils, such as forks, knives, tongs, spoons, or scoops, shall be provided and used to minimize handling of food at all points where food is prepared.

(2) All raw fruits and vegetables shall be washed thoroughly before being cooked or served.

(3) Stuffings, poultry, and stuffed meats and poultry, shall be heated,[32] throughout, to a minimum temperature of 165° F., with no interruption of the initial cooking process.

(4) Pork and pork products which have not been specially treated to destroy trichinae shall be thoroughly cooked to heat all parts of the meat to at least 150° F.

(5) Meat salads, poultry salads, potato salad, egg salad, cream-filled pastries, and other potentially hazardous prepared food shall be prepared (preferably from chilled products) with a minimum of manual contact, and on surfaces and with utensils which are clean and which, prior to use, have been sanitized.

(6) Custards, cream fillings, or similar products which are prepared by hot or cold processes, and which are used as puddings or

[32] Depending upon the weight of the poultry, and the temperature at which cooked, a number of hours are required for the stuffing to reach a temperature, throughout, sufficiently high (165° F.) to kill pathogens which may be present. Therefore, it is recommended that the dressing be cooked in shallow pans, separately from the carcass. It is further recommended that in cooking small poultry, the dressing be cooked separately from the carcass, or that it be placed in the carcass just prior to cooking.

pastry fillings, shall be kept at safe temperatures, except during necessary periods of preparation and service, and shall meet the following requirements [23] as applicable:

(a) Pastry fillings shall be placed in shells, crusts, or other baked goods either while hot (not less than 140° F.) or immediately following preparation, if a cold process is used; or

(b) Such fillings and puddings shall be refrigerated at 45° F. or below in shallow pans, immediately after cooking or preparation, and held thereat until combined into pastries, or served.

(c) All completed custard-filled and cream-filled pastries shall, unless served immediately following filling, be refrigerated at 45° F. or below promptly after preparation, and held thereat pending service.

d. *Storage:*

(1) Containers of food shall be stored above the floor, on clean racks, dollies, or other clean surfaces, in such a manner as to be protected from splash and other contamination.

(2) Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking.

(3) Wet storage of packaged food shall be prohibited.

e. *Display and Service:*

(1) Where unwrapped food is placed on display in all types of food-service operations, including smorgasbords, buffets, and cafeterias, it shall be protected against contamination from customers and other sources by effective, easily cleanable, counter-protector devices, cabinets, display cases, containers, or other similar type of protective equipment. Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.

(2) Tongs, forks, spoons, picks, spatulas, scoops, and other suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum. For self-service by customers, similar implements shall be provided.

(3) Dispensing scoops, spoons, and dippers, used in serving frozen desserts, shall be stored, between uses, either in an approved running-water dipper well, or in a manner approved by the health authority.

(4) Sugar shall be provided only in closed dispensers or in individual packages.

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[23] To facilitate the procedures of enforcing these provisions in cases where the pastries used are not prepared in the food-service establishment, health authorities who are in a position to do so may require (by adding appropriate provisions to the ordinance or to the local bakery sanitation ordinance or regulations) that cream-filled or custard-filled pastries be wrapped, packaged, or otherwise effectively protected from contamination at the place of manufacture and prominently labeled with the name and address of the manufacturer.

(5) Individual portions of food once served to a customer shall not be served again: *Provided*, That wrapped food, other than potentially hazardous food, which is still wholesome and has not been unwrapped, may be re-served.

f. *Transportation:*

(1) The requirements for storage, display, and general protection against contamination, as contained in this subsection, shall apply in the transporting of all food from a food-service establishment to another location for service or catering operations, and all potentially hazardous food shall be kept at 45° F. or below, or 140° F. or above, during transportation.

(2) During the transportation of food from a food-service establishment, all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination.

g. *Poisonous and Toxic Materials:*

(1) Only those poisonous and toxic materials required to maintain the establishment in a sanitary condition, and for sanitization of equipment and utensils, shall be present in any area used in connection with food-service establishments.

(2) All containers of poisonous and toxic materials shall be prominently and distinctively marked or labeled for easy identification as to contents.

(3) When not in use, poisonous and toxic materials shall be stored in cabinets which are used for no other purpose, or in a place which is outside the food-storage, food-preparation, and cleaned equipment and utensil storage rooms. Bactericides and cleaning compounds shall not be stored in the same cabinet or area of the room with insecticides, rodenticides, or other poisonous materials.

(4) Bactericides, cleaning compounds, or other compounds, intended for use on food-contact surfaces, shall not be used in such a manner as to leave a toxic residue on such surfaces, nor to constitute a hazard to employees or customers.

(5) Poisonous polishing materials shall not be used on equipment or utensils, nor stored in the establishment.

(6) Poisonous compounds, such as insecticides and rodenticides, in powdered form, shall have a distinctive color so as not to be mistaken for food.

(7) Poisonous materials shall not be used in any way as to contaminate food, equipment, or utensils, nor to constitute other hazards to employees or customers.

SECTION C. PERSONNEL

1. HEALTH AND DISEASE CONTROLS: *No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a food-service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health authority immediately.*

Reason: Disease transmitted through food frequently originates from an infected food handler. A wide range of communicable diseases and infections may be transmitted by food handlers to other employees and customers through contaminated food and careless food-handling practices. Boils and sore throats are sources of organisms which cause staphylococcal food intoxication, the most frequently reported type of foodborne disease in the United States. It is the responsibility of both management and employees to see that no person who is affected with any disease in a communicable form works in any area of a food-service establishment where there is likelihood of disease transmission.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Disease Control:*

(1) No person while affected with a disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, or an acute respiratory infection, shall work in a food-service establishment in an area and capacity in which there is a likelihood of transmission of disease to patrons or to fellow employees, either through direct contact or through the contamination of food or food-contact surfaces with pathogenic organisms. No such person shall be employed in such an area and capacity in a food-service establishment.

b. *Reporting:*

(1) The manager or person in charge of the establishment shall notify the health authority when any employee of a food-service establishment is known or suspected of having a disease in a communicable form.

2. CLEANLINESS: *All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his hands.*

Reason: Clean personnel with clean habits are essential to sanitary food preparation and service. Clean hands, clean clothing, and hygienic practices reduce the likelihood of contaminating food, drink, and food-contact surfaces of equipment, utensils, or single-service articles.

Hand-washing is necessary not only before starting work and after visiting the toilet, but also at any other times when the hands have become soiled or contaminated. It must be recognized that hands often become soiled in the performance of routine duties in and about the establishment. The use of tobacco while preparing or serving food may contaminate the fingers and hands with saliva, and may promote spitting, thereby permitting transmission of disease organisms present in the saliva to food or food-contact surfaces.

Insanitary and unsightly personal practices such as scratching the head, placing the fingers in or about the mouth or nose, or indiscriminate and uncovered sneezing or coughing may not only result in contamination of the food, but may adversely affect consumer confidence in the establishment.

Careless handling and unnecessary contact with soiled surfaces of dishes, glasses, cups, tableware, or napkins may expose employees to needless health hazards and should be avoided.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Hand Washing:*

(1) All employees shall thoroughly wash their hands and arms with soap and warm water before starting work, and shall wash hands during work hours as often as may be required to remove soil and contamination, as well as after visiting the toilet room.

(2) The hands of all employees shall be kept clean while engaged in handling food and food-contact surfaces.

(3) Employees shall keep their fingernails clean and neatly trimmed.

b. *Clothing:*

(1) The outer garments of all persons, including dishwashers, engaged in handling food or food-contact surfaces shall be reasonably clean.

(2) Hair nets, headbands, caps, or other effective hair restraints shall be used by employees engaged in the preparation and service or food to keep hair from food and food-contact surfaces.

c. *Tobacco:*

(1) Employees shall not use tobacco in any form while engaged in food preparation or service, or while in equipment and utensil washing or food-preparation areas: *Provided*, That designated locations in such areas may be approved by the health authority for smoking, where no contamination hazards will result.

d. *Other Practices:*

(1) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all working periods.

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. SANITARY DESIGN, CONSTRUCTION, AND INSTALLATION OF EQUIPMENT AND UTENSILS: *All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable, and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, nontoxic, corrosion resistant, and relatively nonabsorbent: Provided, That, when approved by the health authority, exceptions may be made to the above materials requirements for equipment such as cutting boards, blocks, and bakers' tables.*

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic.

Single-service articles shall be made from nontoxic materials.

Reason: Items of equipment and utensils which are poorly designed and constructed, and which are not kept in good repair, are difficult to clean thoroughly and are apt to harbor accumulations of food and other soil which supports bacterial growth. Also, accumulations of food or other soil in difficult-to-clean places on equipment, and in areas adjacent to equipment, may create a vermin-control problem and may tend to cause unpleasant odors.

Food poisoning has occurred as a result of the ingestion of acid food or drink which has been in contact with equipment or utensils containing such metals as cadmium, lead, and zinc. Therefore, the product-contact surfaces of equipment, utensils and single-service articles must be nontoxic.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Design, Construction, and Materials:*[34]

(1) All equipment and utensils shall be so durable under normal conditions and operations as to be resistant to denting, buckling, pitting, chipping, crazing, and excessive wear; and shall be capable of withstanding repeated scrubbing, scouring, and the corrosive action of cleaning and sanitizing agents and food with which they come in contact.

(2) Food-contact surfaces of equipment and utensils shall be smooth; shall be free of breaks, open seams, cracks, chips, pits, and similar imperfections; shall be in good repair; and shall be easily cleanable.

(3) Materials used as food-contact surfaces of equipment and utensils shall, under use conditions, be corrosion resistant, relatively nonabsorbent and nontoxic: *Provided*, That the corrosion-resistant requirements shall not preclude the use of cast iron as a food-contact material.

(4) Food-contact surfaces of equipment and utensils shall be free of difficult-to-clean internal corners and crevices. Threads which routinely contact food shall be of a sanitary design, and no V-type threads shall be used in such a situation.

(5) Lubricated bearings and gears of equipment shall be so constructed that lubricants cannot get into the food or onto food-contact surfaces.

(6) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning and for inspection either:

(a) Without being disassembled; or

(b) By disassembling without the use of tools; or

(c) By easy disassembling with the use of only simple tools kept available near the equipment, such as a mallet, a screwdriver, or an open-end wrench.

(7) Equipment intended for in-place cleaning shall be so designed and constructed that:

(a) Cleaning and sanitizing solutions can be circulated throughout a fixed system.

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[34] To encourage uniformity in sanitary requirements and greater acceptance of equipment which has been constructed in accordance with sanitary principles, the Service cooperates with the National Sanitation Foundation, Automatic Merchandising Health-Industry Council, Baking Industry Sanitation Standards Committee, and the Committee for 3–A Sanitary Standards for dairy equipment, in the development of standards covering the sanitary design and construction of food equipment. The Public Health Service has recommended that the applicable design and construction criteria contained in its various food ordinances and codes be incorporated into the sanitary standards for equipment being developed by these groups.

(b) Cleaning and sanitizing solutions will contact all interior surfaces.

(c) The system is self draining or otherwise completely evacuated.

(d) Cleaning procedures result in thorough cleaning of the equipment.

(8) Surfaces of equipment not intended for contact with food, but which are exposed to splash, food debris, or otherwise require frequent cleaning, shall be reasonably smooth; washable; free of unnecessary ledges, projections, or crevices; readily accessible for cleaning; and of such material and in such repair as to be readily maintained in a clean and sanitary condition.

(9) Cutting blocks and boards, and bakers' tables may be of hard maple or equivalent material which is nontoxic, smooth, and free of cracks, crevices, and open seams. Cutting boards shall be easily removable. Wicker or plastic breadbaskets, when suitably lined, may be used for unwrapped food.

(10) Soft solder, when used as a food-contact surface, shall be limited to joining metal or sealing seams between abutting metal surfaces; shall be of such formulation as to be nontoxic under use conditions; shall contain at least 50 percent tin; shall contain no more lead than is necessary under good manufacturing practice; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(11) Hard solder (silver solder), when used as a food-contact surface, shall be of such formulation as to be nontoxic under use conditions; shall be corrosion resistant; and shall, consistent with good industrial practice in the refining of its constituent elements, be free of cadmium, antimony, bismuth, and other toxic materials.

(12) Single-service articles shall be made from nontoxic materials.

b. *Equipment Installation:*

(1) Equipment which is placed on tables or counters, unless readily movable, shall be sealed thereto or mounted on legs or feet at least 4 inches high, and shall be so installed as to facilitate the cleaning of the equipment and areas adjacent thereto.

(2) Floor-mounted equipment, unless readily movable, shall be sealed to the floor; or shall be installed on raised platforms of concrete or other smooth masonry in such a manner as to prevent liquids or debris from seeping or settling underneath, between or behind such equipment in spaces which are not fully open for cleaning and inspection; or such equipment shall be elevated at least 6 inches above the floor. The space between adjoining units, and between a unit and the adjacent wall, shall be closed unless exposed to seepage, in which event

it shall be sealed; or sufficient space shall be provided to facilitate easy cleaning between, behind, and beside all such equipment.

(3) Aisles or working spaces between equipment, and between equipment and walls, shall be unobstructed, and of sufficient width to permit employees to perform readily their duties without contamination of food or food-contact surfaces by clothing or through personal contact.

c. *Existing Equipment:*

(1) Equipment which was installed in a food-service establishment prior to the effective date of this ordinance, and which does not meet fully all of the design and construction requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition, and the food-contact surfaces are nontoxic. Such equipment shall be so located and installed as to enable reasonable compliance with all of the requirements of this subsection pertaining to equipment installation, and all of the requirements pertaining to food protection.

2. CLEANLINESS OF EQUIPMENT AND UTENSILS: *All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.*

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food-contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

Reason: Regular, effective cleaning and sanitizing of equipment, utensils, and work surfaces minimizes the chances for contaminating food during preparation, storage, and serving, and for the transmission of disease organisms to customers and employees. Effective cleaning will remove soil and prevent the accumulation of food residues which may decompose or support the rapid development of food-poisoning organisms or toxins. Application of effective sanitizing procedures

destroys those disease organisms which may be present on equipment and utensils after cleaning, and thus prevents the transfer of such organisms to customers or employes, either directly through tableware, such as glasses, cups, and flatware, or indirectly through the food.

Improper storage of equipment and utensils, subsequent to cleaning and sanitizing, exposes them to contamination and can nullify the benefits of these operations. Accordingly, storage and handling of cleaned or sanitized equipment and utensils, and single-service articles, must be such as to adequately protect these items from splash, dust, and other contaminating material.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Equipment and Utensil Cleanliness:*

(1) After each usage, all tableware shall be thoroughly cleaned to sight and touch.

(2) After each usage, all kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces, used in the preparation, serving, display, or storage of food, shall be thoroughly cleaned to sight and touch. The cooking surfaces of grills, griddles, and similar cooking devices shall be cleaned at least once a day, and shall be free of incrusted grease deposits and other soil.

(3) Non-food-contact surfaces of all equipment used in the operation of a food-service establishment, including tables, counters, shelves, mixers, grinders, slicers, hoods, and fans, shall be cleaned at such frequency as is necessary to be free of accumulations of dust, dirt, food particles, and other debris.

(4) Detergents and abrasives shall be rinsed off food-contact surfaces.

(5) Cloths used by waiters, chefs, and other personnel, shall be clean, and any such cloths used for wiping food-contact surfaces shall be used for no other purpose.

b. *Equipment and Utensil Sanitization:*

(1) All tableware shall, after each use, be sanitized. A spoon or other utensil, once used for tasting food, shall not be reused until it has been cleaned and sanitized.

(2) All kitchenware and food-contact surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be sanitized prior to such use, and following any interruption of operations during which contamination of the food-contact surfaces is likely to have occurred. Where equipment and utensils are used for the preparation of potentially hazardous food on a continuous or production-line basis, the food-contact surfaces of such equipment, and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule approved by the health authority.

c. *Methods and Facilities for Washing and Sanitizing:*

(1) Prior to washing, all equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(2) Effective concentrations of a suitable detergent shall be used in both manual and mechanical dishwashing.

(3) When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of such solution. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized by one of the following methods:

(a) Immersion for at least one-half minute in clean hot water at a temperature of at least 170° F.

(b) Immersion for a period of at least 1 minute in a sanitizing solution [35] containing:

i At least 50 ppm of available chlorine at a temperature not less than 75° F.; or

ii At least 12.5 ppm of available iodine in a solution having a pH not higher than 5.0 and a temperature of not less than 75° F.; or

iii Any other chemical-sanitizing agent which has been demonstrated to the satisfaction of the health authority to be effective and nontoxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75° F.[36]

(c) Equipment too large to treat by methods (a) and (b) above may be treated:

i With live steam from a hose, in the case of equipment in which steam can be confined; or

ii By rinsing with boiling water; or

iii By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.

(4) A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually: *Provided*, That establishments where the only utensils to be

[35] It is recommended that, when made up, the strength of sanitizing solutions be at least twice the minimum strength required for the particular sanitizing solution used.

[36] Bactericides which, in recommended concentration, produce a 99.999 percent kill of 75–125 million *E. coli* ATTC 11229 and of 75–125 million *M. pyogenes var. aureus* FDA 209 per ml., within 30 seconds, at 70°–75° F., should be considered satisfactory.

washed are limited to spatulas, tongs, and similar devices, and when the only equipment to be cleaned is stationary and does not require disassembly for proper cleaning, a one-compartment sink may be approved by the health authority for this purpose. At least a two-compartment sink shall be provided and used for washing kitchenware and equipment which does not require sanitization. Single compartment utility sinks, such as cooks' and bakers' sinks, may be used for the rinsing of utensils.

(5) Sinks used for manual washing and sanitizing operations shall be of adequate length, width, and depth to permit the complete immersion of the equipment and utensils, and each compartment of such sinks shall be supplied with hot and cold running water. Dish baskets shall be of such design as to permit complete immersion of the utensils and equipment components being sanitized therein.

(6) When hot water is used as the sanitizing agent in manual operations, thermometers, accurate to ±2° F., shall be provided convenient to the sink to permit frequent checks of the water temperature.

(7) Dish tables and drainboards, of adequate size for proper handling of soiled utensils prior to washing and for cleaned utensils following rinsing or sanitization, shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities: *Provided*, That drainboards shall not be required for cooks' and bakers' rinse sinks.

(8) Sinks, dish tables, and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining.

(9) Dishwashing machines shall be of such materials and so designed and constructed as to be easily cleanable, and shall be capable, when operated properly, of rendering all surfaces of equipment and utensils clean to sight and touch, and sanitized.

(10) When spray-type dishwashing machines are used, the following additional requirements shall be met:

(a) Wash water shall be kept reasonably clean, and rinse-water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

(b) The flow pressure shall be not less than 15 or more than 25 pounds per square inch on the water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gage cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

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(c) The wash-water temperature shall be at least 140° F. and in single-tank conveyor machines shall be at least 160° F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180° F. at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 170° F. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the health authority, and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.

(d) Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

(e) An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of ±2° F. the temperature of the water or solution therein. In addition, a thermometer of equal accuracy shall be provided which will indicate the temperature of the final rinse water as it enters the manifold.

(f) Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

(11) When an immersion-type dishwashing machine is employed for equipment and utensil washing and sanitizing, the applicable requirements pertaining to manual dishwashing shall be met: *Provided*, That a two-compartment system shall be deemed adequate when the temperature of the wash water is maintained at or above 140° F. and hot water at a temperature of at least 170° F. is used as the sanitizing agent.

(12) Any other type of machine, device, or facilities and procedures may be approved by the health authority for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment as demonstrated by an average plate count per utensil surface examined, of not more than 100 colonies.

d. *Storage and Handling of Cleaned Equipment and Utensils:*

(1) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner so as to be protected from contamination. Cleaned spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

(2) Cleaned, and cleaned and sanitized, portable equipment and utensils shall be stored above the floor in a clean, dry location, and suitable space and facilities shall be provided for such storage so that food-contact surfaces are protected from splash, dust, and other contamination. The food-contact surfaces of fixed equipment shall also be protected from splash, dust, and other contamination. Utensils shall be air dried before being stored, or shall be stored in a self-draining position on suitably located hooks or racks constructed of corrosion-resistant material. Wherever practicable, stored containers and utensils shall be covered or inverted. Facilities for the storage of flatware (silverware) shall be provided and shall be designed and maintained to present the handle to the employee or customer.

e. *Single-Service Articles:*

(1) Single-service articles shall be stored in closed cartons or containers which protect them from contamination.

(2) Such articles shall be handled and dispensed in such a manner as to prevent contamination of surfaces which may come into contact with food or with the mouth of the user.

(3) Single-service articles shall be used only once.

(4) All food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

SECTION E. SANITARY FACILITIES AND CONTROLS

1. WATER SUPPLY: *The water supply shall be adequate, of a safe, sanitary quality, and from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.*

Water, if not piped into the establishment, shall be transported and stored in approved containers, and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

Reason: Water, unless of a safe and sanitary quality, may serve as a source of contamination to food, either directly or indirectly, by way of equipment, utensils, and hands. Thus, an unsafe water supply may result in transmission of disease or may be the cause of other illness. Hot and cold water, under pressure, facilitates cleaning of equipment and utensils, and an adequate supply of water is needed at all times to insure that these operations can be carried out effectively.

In some areas an adequate supply of potable water is not available, making it necessary to transport water to the food-service establish-

ment. In order to provide protection to consumers and employees, such water should be obtained from an approved source, and should be handled, transported, and dispensed in a sanitary manner.

If ice is manufactured from water which is contaminated, or is manufactured, stored, transported, or handled in an insanitary manner, it may contaminate food or beverage with which it comes in contact, and thus may be a source of disease transmission.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Supply:*

(1) The water supply shall be adequate, of a safe, sanitary quality, and from an approved public or private water-supply system which is constructed, protected, operated, and maintained in conformance with applicable State and local laws, ordinances, and regulations: *Provided*, That, if approved by the health authority, a nonpotable water-supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully with item 3. a. of this section, and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment, or utensils.

(2) Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, and where equipment and utensils are washed.

b. *Transporting and Dispensing Water:*

(1) All water, not piped into the establishment directly from the source, shall be transported, handled, stored, and dispensed in a sanitary manner.

(2) Drinking water, if not dispensed through the water-supply system of the food-service establishment, may be stored in a separate nonpressurized tank, reservoir, or other container.

c. *Ice:*

(1) Ice shall be made from water meeting the requirements of paragraph a. (1) of this subsection, in an icemaking machine which is located, installed, operated, and maintained so as to prevent contamination of the ice; or shall be obtained from a source approved by the health authority.

(2) Ice shall be handled, transported, and stored in such a manner as to be protected against contamination. If block ice is used, the outer surfaces shall be thoroughly rinsed so as to remove any soil before it is used for any purpose.

(3) If ice crushers are used, they shall be maintained in a clean condition and shall be covered when not in use.

(4) If ice is used, approved containers and utensils shall be provided for storing and serving it in a sanitary manner. Ice buckets, other containers, and scoops, unless they are of the single-service type, shall be of a smooth, impervious material, and designed to facilitate cleaning. They shall be kept clean, and shall be stored and handled in a sanitary manner. Only sanitary containers shall be used for the transportation or storage of any ice used in the food-service establishment. Canvas containers shall not be used unless provided with a sanitary, single-service liner so as to completely protect the ice.

2. SEWAGE DISPOSAL: *All sewage shall be disposed of in a public sewerage system, or, in the absence thereof, in a manner approved by the health authority.*

Reason: Improper disposal of sewage can result in conditions which may cause serious illness or disease outbreaks. Proper disposal is required to prevent contamination of ground surfaces, possible pollution of water supplies, access by flies and other insects to human excreta, and the creation of other insanitary conditions. Improper disposal of sewage provides a potential for contamination of food, the food-contact surfaces of equipment and utensils, and private water-supply systems.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Water-Carried Sewage:*

(1) All water-carried sewage shall be disposed of by means of:

(a) A public sewerage system; or

(b) An approved sewage disposal system which is constructed and operated in conformance with applicable State and local laws, ordinances, and regulations.

b. *Non-Water-Carried Sewage:* [37]

(1) Non-water-carried sewage-disposal facilities shall not be used, except where water-carried disposal methods have been determined by the health authority to be impractical. Under such conditions, only facilities which have been approved by the health authority shall be used, and operation of these facilities shall be in conformance with applicable State and local laws, ordinances, and regulations.

3. PLUMBING: *Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so*

[37] Suggested standards and recommended practices are contained in Reprint No. 2461, from *Public Health Reports*—1950, "Individual Sewage Disposal Systems," and in Public Health Service Publication No. 526, *Manual of Septic Tank Practice*, and addendum dated Aug. 1, 1959.

that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

Reason: If plumbing is improperly installed or maintained, a variety of public health hazards, such as cross-connections, backsiphonage, drainage system stoppage, or overhead leakage may occur. Any one of these conditions can result in serious contamination of the water supply, food, equipment, or utensils, or create nuisance or obnoxious odors. Also, reduced water pressures resulting from improperly sized and maintained pipelines may adversely affect the operation of dishwashing machines, food-waste grinders, and similar items of equipment which depend upon sufficient pressure and volume to perform their intended functions. Thus, plumbing is a particularly important consideration in food-service establishments.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) All plumbing shall be sized, installed, and maintained in accordance with applicable State and local plumbing laws, ordinances, and regulations.

(2) The potable water-supply piping shall not be directly connected with any nonpotable water-supply system whereby the nonpotable water can be drawn or discharged into the potable water-supply system. The piping of any nonpotable water system shall be adequately and durably identified, such as by distinctive yellow-colored paint, so that it is readily distinguished from piping which carries potable water; and such piping shall not be connected to equipment or have outlets in the food-preparation area.

(3) The potable water system shall be installed in such a manner so as to preclude the possibility of backsiphonage.

(4) Grease traps shall not be required, except in special cases as may be determined by the health authority.

b. *Drains:*

(1) Dishwashing machines, refrigerators, steam kettles, potato peelers, and similar types of enclosed equipment in which food, portable equipment, or utensils are placed, shall not be directly connected to the drainage system. Each waste pipe from such equipment shall discharge into an open, accessible, individual waste sink, floor drain, or other suitable fixture which is properly trapped and vented: *Provided*, That when a dishwashing machine is located adjacent to a floor drain, the waste from the dishwashing machine may be connected direct on the sewer side of the floor drain trap. Indirect connections of drain lines from other equipment used in the preparation of food or washing of equipment and utensils may be required by the health authority when, in his opinion, the installation is such that

backflow of sewage is likely to occur. Each walk-in refrigerator shall be equipped with a floor drain, so installed as to preclude the backflow of sewage into the refrigerator; or all parts of the floor of each walk-in refrigerator shall be graded to drain to the outside through a wastepipe, doorway, or other opening.

(2) Indirect waste connections shall be provided for drains, overflows, or relief vents from the water-supply system.

(3) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas, or into difficult-to-clean areas, or otherwise create a nuisance.

4. TOILET FACILITIES: *Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.. The doors of all toilet rooms shall be self-closing.. Toilet tissue shall be provided.. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water-carried sewage-disposal facilities have been approved by the health authority, such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.*

Reason: Adequate, sanitary toilet facilities are required to assure proper disposal of human excrements which carry pathogenic organisms. When toilet facilities are of a sanitary design and are kept clean and in good repair, and are properly used, the opportunities for the spread of contamination by flies, insects, clothing, hands, or other means are minimized. Receptacles are necessary for waste materials.

Where management provides employees with adequate toilet facilities which are kept clean and properly maintained, employees are more likely to have a proper attitude toward sanitary practices and conditions in the food-service establishment.

Non-water-carried sewage-disposal facilities require periodic cleaning, which is an insanitary operation. Furthermore, such facilities create insect, rodent, and odor control problems. Thus, non-water-carried sewage-disposal facilities should be kept separated from the food-service establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) Toilet facilities shall be adequate and conveniently located, and shall be accessible to the employees at all times.

(2) Toilet facilities shall be installed in accordance with applicable State and local laws, ordinances, and regulations, or in the absence thereof, as approved by the health authority.

(3) Water closets and urinals shall be of a sanitary design.

(4) Toilet rooms shall be completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

b. *Maintenance:*

(1) Toilet facilities, including the toilet room and fixtures, shall be kept clean and in good repair, and free of objectionable odors.

(2) A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials, and such receptables in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

5. HAND-WASHING FACILITIES: *Each food-service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.*

Reason: Hands are probably the most common vehicle for the transfer of contamination to food. In normal food-establishment operations, hands of employees become soiled with a variety of contaminants, and such contamination is readily transferred to food, equipment, utensils, and single-service articles, unless the hands are thoroughly washed at frequent intervals and after each visit to the toilet. Therefore, properly equipped lavatories are essential to employee cleanliness and to food safety.

Employees are unlikely to walk any great distance or from one section of the establishment to another to reach a lavatory every time their hands become soiled and need washing. If no lavatory is convenient, they may not wash their hands even when the need is obvious. Consequently, hand-washing facilities should be provided in sufficient numbers, and at convenient locations within the establishment, to facilitate hand washing by employees.

Hands cannot be effectively cleaned without the use of hand-cleansing soaps or detergents and warm water. Unless clean towels or other satisfactory hand-drying devices are provided, the benefits of washing the hands can be completely nullified.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) Lavatories shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered, lavatories shall also be located within the area where food is prepared.

(2) Lavatories shall be adequate in size and number and shall be so located as to permit convenient and expeditious use by all employees.

(3) Lavatories shall be installed in accordance with applicable State and local laws, ordinances, and regulations, or in the absence thereof, as approved by the health authority.

(4) Each lavatory shall be provided with hot and cold or tempered [38] running water. Where hot and cold running water is provided, a mixing valve or combination faucet is recommended and shall be required in new installations. Steam mixing valves are prohibited.

b. *Maintenance:*

(1) An adequate supply of hand-cleansing soap or detergent shall be available at each lavatory. An adequate supply of sanitary towels, or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand-washing facilities.

(2) Lavatories, soap dispensers, hand-drying devices, and all other components of the hand-washing facilities shall be kept clean and in good repair.

6. GARBAGE AND RUBBISH DISPOSAL: *All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use: Provided, That such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.*

[38] Where tempered water is used, a temperature of 100° F. to 115° F. is recommended.

Reason: Proper storage and disposal of garbage and rubbish is necessary to minimize the development of odors, to prevent such waste from becoming an attractant and harborage or breeding place for vermin, and to prevent the soiling of food-preparation and food-service areas. Improperly handled garbage creates nuisance conditions, makes housekeeping difficult, and may be a possible source of contamination of food equipment and utensils.

Food-waste grinders shall be suitably constructed, installed in accordance with approved plumbing practices, and properly operated in order to prevent the creation of insanitary conditions within the food establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Containers:*

(1) All garbage and rubbish containing food waste shall be kept in containers, constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.

(2) All containers shall be provided with tight-fitting lids or covers and shall, unless kept in a special vermin-proofed room or enclosure or in a waste refrigerator, be kept covered when stored or not in continuous use.

(3) After being emptied, each container shall be thoroughly cleaned on the inside and outside in a manner so as not to contaminate food, equipment, utensils, or food-preparation areas. Brushes shall be provided for washing garbage containers and shall be used for no other purpose. Can-washing machines, steam-cleaning devices, or similar equipment should be used where the operation is large enough to warrant this type of equipment. Waste water from such cleaning operations shall be disposed of as sewage.

(4) There shall be a sufficient number of containers to hold all of the garbage and rubbish containing food waste which accumulates between periods of removal from the premises.

b. *Storage:*

(1) Garbage and rubbish containing food waste shall be stored so as to be inaccessible to vermin. All other rubbish shall be stored in a manner approved by the health authority.

(2) Storage facilities shall be adequate for the proper storage of all garbage and rubbish.

(3) Storage areas shall be clean, and shall not constitute a nuisance.

(4) Storage rooms or enclosures shall be constructed of easily cleanable, washable materials and shall be vermin proofed. The floors, and the walls up to at least the level reached by splash or spray, shall be of relatively nonabsorbent materials. Garbage containers

outside the establishment shall be stored either on a concrete slab, or on a rack which is at least 12 inches above the ground for a single bank of containers, or 18 inches above the ground for a multiple bank of containers.

c. *Food-Waste Grinders:*

(1) Food-waste grinders shall be so constructed and installed as to comply with applicable State and local plumbing laws, ordinances, and regulations.

d. *Disposal:*

(1) All garbage and rubbish shall be disposed of daily, or at such other frequencies as may be approved by the health authority, and in such a manner as to prevent a nuisance.

(2) Where garbage or combustible rubbish is burned on the premises, an approved incinerator shall be provided, and shall be operated in such a manner as to comply with local regulations and so that it does not create a nuisance. Areas around such incinerators shall be kept in a clean and orderly condition.

7. VERMIN CONTROL: *Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.*

Reason: Insects and rodents are capable of transmitting a number of diseases to man through contamination of food and food-contact surfaces. Accordingly, their presence in a food-service establishment creates a potential public health hazard which can be guarded against only by effective control of such vermin. Since vermin require food, water, and shelter, control measures should be designed to deprive them of these requirements.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) Effective control measures shall be utilized to minimize the presence of rodents, flies, roaches, and other vermin on the premises.

(2) The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

b. *Screening:*

(1) Unless flies and other flying insects are absent from the immediate vicinity of the establishment, all openings to the outer air shall be effectively protected against the entrance of such insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.

(2) Screening material shall be not less than 16-mesh to the inch or equivalent.

(3) Screen doors to the outer air shall be self-closing; and screens for windows, doors, skylights, transoms, and other openings to the outer air shall be tight-fitting and free of breaks.

c. *Rodent Proofing:*

(1) All openings to the outside shall be effectively protected against the entrance of rodents.[39]

SECTION F. OTHER FACILITIES AND OPERATIONS

1. FLOORS, WALLS, AND CEILING: *The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable: Provided, That the floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.*

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth, and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

Reason: Properly constructed floors which are smooth and in good repair can be readily kept clean. Floors which are subjected to food spillage and soiling should be finished so as to facilitate washing, and to prevent absorption of grease or other organic material. When floors are subjected to water or fluid waste, properly installed floor drains are necessary to carry away the liquid promptly, thereby preventing a hazard or nuisance.

Properly constructed walls and ceilings which are in good repair can be kept clean. A light-colored finish on a wall surface aids in the even distribution of light, and facilitates thorough cleaning.

Clean floors, walls, and ceilings are conducive to clean food preparation and service habits, and contribute to efficient, sanitary operations.

Outside areas where food is served and surrounding areas should be kept clean to minimize attractants for insects and rodents and pre-

[39] For rodent-proof construction methods see; "Rat-borne Disease Prevention and Control" V. Rat-Proofing of Existing Buildings; VII. Rat-Proof Construction of New Buildings. Public Health Service Communicable Disease Center, Atlanta, Ga.

vent nuisance conditions. Such areas should be hard-surfaced or otherwise treated with effective dust-arresting compounds to minimize contamination of food by dust.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Floors:*

(1) All floors shall be kept clean and in good repair. Sawdust or wood shavings shall not be used on the floors.

(2) The floors of all food preparation, food storage, and utensil-washing rooms and areas, and walk-in refrigerators, dressing or locker rooms, and toilet rooms shall be constructed of smooth, durable, nonabsorbent, and easily cleanable materials such as concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic: *Provided*, That in areas subject to spilling or dripping of grease or fatty substances, such floor coverings shall be of grease-resistant material; and *Provided further*, That floors of nonrefrigerated, dry-food-storage areas need not be nonabsorbent.

(3) Floor drains shall be provided in floors which are waterflushed for cleaning or which receive discharges of water or other fluid waste from equipment. Such floors shall be graded to drain.

(4) Carpeting may be used on the floors of interior dining areas. Such carpeting shall be in good repair and kept clean.

(5) The walking and driving surfaces of all exterior areas where food is served, such as drive-in restaurants, side-walk cafes, patio service, chuck-wagon service, and barbecues, shall be kept clean and free of debris, and shall be properly drained so that water will not accumulate. Such areas shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust.

(6) Mats or duckboards, if used, shall be so constructed as to facilitate being cleaned, and shall be kept clean. They shall be of such design and size as to permit easy removal for cleaning.

(7) All concrete, terrazzo, or ceramic tile floors, hereafter installed in food preparation, food storage, and utensil-washing rooms and areas, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall provide a coved juncture between the floor and wall. In all cases, the juncture between the floor and wall shall be closed.

b. *Walls and Ceilings:*

(1) All walls and ceilings, including doors, windows, skylights, and similar closures, shall be kept clean and in good repair.

(2) The walls of all food-preparation, utensil-washing, and hand-washing rooms or areas, shall have light-colored, smooth, easily cleanable surfaces, and such surfaces shall be washable up to at least the

highest level reached by splash or spray. Acoustical materials may be used on the ceiling, provided ventilation is adequate to minimize grease and moisture absorption.

(3) Wall covering materials used, such as sheet metal, linoleum, plastic, paper, and similar materials, shall be so attached and sealed to the wall or ceiling as to leave no open spaces or cracks which would permit accumulation of grease or debris, or provide harborage for vermin.

(4) Studs, joists, and rafters shall not be left exposed in food preparation or utensil-washing areas or toilet rooms. If left exposed in other rooms or areas, they shall be suitably finished and shall be kept clean and in good repair.

(5) Light fixtures, decorative material, and similar equipment and material attached to walls or ceilings, shall be kept clean.

2. LIGHTING: *All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all clean-up activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.*

Reason: Ample light, properly distributed, is necessary for the conduct of food preparation and serving activities in a sanitary manner. Moreover, when dirt, grease, or vermin are made conspicuous by ample light, there is more likelihood of corrective action. Adequate lighting is essential in all parts of the establishment. For example, the light in storage rooms should be sufficient for readily reading labels, identifying colors, and recognizing the condition of food.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) At least 20 foot-candles of light shall be required on all working surfaces and at least 10 foot-candles on all other surfaces and equipment, in food preparation, utensil-washing and hand-washing areas, and toilet rooms. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on these surfaces when in use and when being cleaned. At least 5 foot-candles of light at a distance of 30 inches from the floor shall be required in all other areas, including dining areas during cleaning operations.

3. VENTILATION: *All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food-preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement.*

Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such manner as not to create a nuisance.

Reason: Proper ventilation reduces condensation which may promote mold and bacterial growth, or which may drop into food or utensils, or on food-preparation surfaces. Proper ventilation also minimizes soiling of walls and ceilings, excessive heat, objectionable odors, and the concentration of toxic gases. It facilitates the removal from the establishment of air which becomes contaminated or odorous during cleaning operations or certain food-preparation activities, or from heating, cooking, and other types of equipment. Adequate ventilation of toilets and dressing rooms is necessary for similar reasons.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) All rooms shall be adequately ventilated, and ventilation facilities shall be maintained and operated so that all areas are kept reasonably free from excessive heat, steam, condensation, vapors, smoke, or fumes. Effective air-recovery systems may be used in the ventilation of these areas.

(2) All rooms, areas, and equipment, from which contaminated aerosols, obnoxious odors, or noxious fumes or vapors may originate, shall be effectively vented to the outside air.

(3) Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning and replacement.

(4) Where intake air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, or other contaminating materials.

(5) Ventilation systems shall comply with applicable State and local fire-prevention requirements and when vented to the outside air, shall discharge in such manner as not to create a nuisance.

4. DRESSING ROOMS AND LOCKERS: *Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of the food-preparation, storage, and serving areas, and the utensil-washing and storage areas: Provided, That, when approved by the health authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable*

facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

Reason: Street clothing and personal belongings can serve to contaminate food, food equipment, and food-preparation surfaces. To prevent this, adequate dressing rooms or areas, and lockers or other storage facilities, as well as special dress for food-service workers, are desirable. Clean and orderly dressing rooms or areas, and related facilities, contribute toward proper employee attitudes for neatness, orderliness, and cleanliness throughout the establishment.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided when, as a routine procedure, employees change clothing within the establishment. Such designated areas shall be located outside of food-preparation, storage, and serving areas, and utensil-washing and storage areas: *Provided*, That the health authority may approve such an area in a storage room where only completely packaged food is stored.

(2) Adequate lockers within dressing rooms or areas, or other suitable facilities within dressing rooms, shall be provided and used for the storage of employees' coats, clothing, and personal belongings.

(3) Dressing rooms or areas, and lockers, shall be kept in a clean condition.

5. HOUSEKEEPING: *All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarter. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food-service establishment operations: Provided, That guide dogs accompanying blind persons may be permitted in dining areas.*

Reason: Good housekeeping results in a clean and orderly environment. Proper storage helps to prevent errors in identification, such as the mistaken use of insecticides as food ingredients, and contributes to efficiency.

Care must be taken to prevent contaminating food or cleaned equipment during cleaning operations. For example, cleaning units which utilize high-velocity jets of hot water may be extremely effective, but improper use may scatter debris or create contaminating aerosols.

Also, improper cleaning methods may raise dust which can settle on food and food-contact surfaces.

Storage rooms, loading docks, and the premises must be kept clean to minimize rodent and insect infestation, odors, dust, and other sources of nuisance or contamination.

The degree of protection required for commercial food-service operations is not routinely maintained in living and sleeping quarters. Live birds and animals may spread disease organisms, dust, and other contaminants.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *General:*

(1) The establishment and all parts of the property used in connection with operation of the establishment shall be kept neat, clean, and free of liter and rubbish.

(2) None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters.

b. *Dustless Cleaning:*

(1) Vacuum cleaning, wet cleaning, or other dustless methods of floor and wall cleaning shall be used; or dust-arresting sweeping compounds and pushbrooms shall be employed; and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of food is exposed, such as after closing or between meals.

c. *Storage of Linens and Clothes:*

(1) Laundered cloths and napkins shall be stored in a clean place until used.

(2) Nonabsorbent containers or laundry bags shall be provided, and damp or soiled linens and clothes shall be kept therein until removed for laundering.

d. *Live Birds and Animals:*

(1) No live birds or animals shall be allowed in any area used for the storage, preparation, or serving of food, or for the cleaning or storage of utensils, or in toilet rooms, employees' dressing rooms or areas, in vehicles used for transporting food, or in any other area or facility used in the conduct of food-service establishment operations: *Provided*, That guide dogs accompanying blind persons may be permitted in dining areas.

SECTION G. TEMPORARY FOOD SERVICE ESTABLISHMENTS

A temporary food-service establishment shall comply with all provisions of this ordinance which are applicable to its operation: Provided, That the health authority may augment such requirements when needed to assure the service of safe food; may prohibit the sale

of certain potentially hazardous food; and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

Reason: Due to the nature, location, and variety of conditions surrounding the operation of temporary food-service establishments, at fairs, carnivals, and other transitory gatherings, it is frequently infeasible to provide certain physical facilities required for "permanent" establishments. In order to assure adequate protection of food served by temporary establishments which are unable to meet fully the requirements of this ordinance, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities, and to impose additional requirements.

Compliance: This subsection shall be deemed to have been satisfied when the following requirements are met:

a. *Unrestricted Establishments:*

(1) For unrestricted food-service operations, a temporary food-service establishment shall meet fully the requirements of this ordinance, as set forth in sections B. through F., which are applicable to its operation.

b. *Restricted Establishments:*

(1) When, in the opinion of the health authority, no imminent hazard to the public health will result, temporary food-service establishments, which do not fully meet the requirements of sections B. through F. of this ordinance, may be permitted to operate when food preparation and service are restricted and deviations from full compliance are covered by the additional or modified requirements, as set forth below:

(a) The preparation of potentially hazardous food, such as cream-filled pastries, custards, and similar products, and meat, poultry, and fish in the form of salads or sandwiches, shall be prohibited: *Provided*, That this prohibition shall not apply to hamburgers, frankfurters, and other food which, prior to service, requires only limited preparation, such as seasoning and cooking: and *Provided further*, That this prohibition shall not apply to any potentially hazardous food which is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures, and is served directly in the individual, original container in which it was packaged at a commercial food establishment.

(b) Ice which will be consumed, or which will come into contact with food, shall be obtained from an approved source in chipped, crushed, or cubed form. Such ice shall be obtained in single-service,

closed containers of an approved type, and shall be held therein until used.

(c) Wet storage of packaged food and beverage shall be prohibited: *Provided*, That wet storage of pressurized containers of beverages may be permitted when: (1) the water contains at least 50 ppm of available chlorine; and (2) the iced water is changed frequently enough to keep both the water and container clean.

(d) Food-contact surfaces of food-preparation equipment such as grills, stoves, and worktables shall be protected from contamination by customers and dust. Where necessary, effective shields shall be provided.

(e) Equipment shall be installed in such a manner that the establishment can be kept clean, and so that food will not become contaminated.

(f) An adequate supply of water for cleaning and hand-washing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.

(g) Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or nuisance condition.

(h) Adequate facilities shall be provided for employee hand washing. Such facilities may consist of a pan, water, soap, and individual paper towels.

(i) Floors shall be of tight wood, asphalt, or other cleanable material: *Provided*, That the health authority may accept dirt- or gravel-covered floors when graded to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.

(j) Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of wood, canvas, or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of 16-mesh screening or equivalent. When flies are prevalent, counter service openings shall either be equipped with self-closing, fly-tight doors, or the opening protected by effective fans. Where fans are used for this purpose, the size of the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.

(k) Any other requirement deemed necessary by the health authority to protect the public health in view of the particular nature of the food-service operation shall be met.

SECTION H. ENFORCEMENT PROVISIONS

1. PERMITS: *It shall be unlawful for any person to operate a food-service establishment within the municipality* [40] *of* _____, *or its police jurisdiction, who does not possess a valid permit issued to him by the health authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every food-service establishment. Permits for temporary food-service establishments shall be issued for a period of time not to exceed 14 days.*

a. Issuance of Permits: *Any person desiring to operate a food-service establishment shall make written application for a permit on forms provided by the health authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses shall be included; the location and type of the proposed food-service establishment; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment, it shall also include the inclusive dates of the proposed operation.*

Upon receipt of such an application, the health authority shall make an inspection of the food-service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health authority.

b. Suspension of Permits: *Permits may be suspended temporarily by the health authority for failure of the holder to comply with the requirements of this ordinance.*

Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of section H. of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended (or the establishment downgraded), [41] *and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority by the permit holder.*

Notwithstanding the other provisions of this ordinance, whenever the health authority finds insanitary or other conditions in the operation of a food-service establishment which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice, or hearing, issue a written notice to the permit holder

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[40] See footnote 11, p. 22.
[41] See footnote 10, p. 22.

or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the health authority, shall be afforded a hearing as soon as possible.

c. Reinstatement of Suspended Permits: *Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.*

d. Revocation of Permits: *For serious or repeated violations of any of the requirements of this ordinance, or for interference with the health authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Prior to such action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the health authority, by the permit holder, within such 5-day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.*

e. Hearings: *The hearings provided for in this section shall be conducted by the health authority at a time and place designated by him. Based upon the record of such hearing, the health authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health authority.*

2. Inspection of food service establishments: *At least once every 6 months, the health authority shall inspect each food-service establishment located in the municipality [42] of _____, or its police jurisdiction, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this ordinance.*

a. Access to Establishments: *The health authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment within the municipality [42] of _____*

[42] See footnote 11, p. 22.

--------, or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

b. Inspection Records; Demerit Values; Demerit Scores: *Whenever the health authority makes an inspection of a food-service establishment, he shall record his findings on an inspection report form provided for this purpose, and shall furnish the original of such inspection report form to the permit holder or operator. Such form shall summarize the requirements of sections B through G. of this ordinance and shall set forth demerit point values for each such requirement, in accordance with PHS Form 4006, a copy of which is appended and a part of this section. Upon completion of an inspection, the health authority shall total the demerit point values for all requirements in violation, such total becoming the demerit score for the establishment.*

c. Issuance of Notices: *Whenever the health authority makes an inspection of a food-service establishment and discovers that any of the requirements of sections B. through G. of this ordinance have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the health authority shall:*

(1) *Set forth the specific violations found, together with the demerit score of the establishment.*

(2) *Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:*

(a) *When the demerit score of the establishment is 20 or less, all violations of 2 or 4 demerit points must be corrected by the time of the next routine inspection; or*

(b) *When the demerit score of the establishment is more than 20 but not more than 40, all items of 2 or 4 demerit points must be corrected within a period of time not to exceed 30 days; or*

(c) *When one or more 6 demerit point items are in violation, regardless of demerit score, such items must be corrected within a period of time not to exceed 10 days.*

(d) *When the demerit score of the establishment is more than 40, the permit is immediately suspended.*

(e) *In the case of temporary food-service establishments, violations must be corrected within a specified period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.*

FHS-4008
6-62

INSPECTION REPORT
FOOD SERVICE ESTABLISHMENTS

Permit No. _____
Type _____ NSD _____

CITY, COUNTY OR DISTRICT	NAME OF ESTABLISHMENT	ADDRESS	OWNER OR OPERATOR

Sir: Based on an inspection this day, the items marked below identify the violation in operation or facil[illegible] which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in immediate suspension of your permit (or downgrading of the establishment).* An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for the correction of violations.

SECTION B. FOOD

1. FOOD SUPPLIES

Item		Specify:	Bakery products	Poultry and poultry products	Meat and meat products	Frozen desserts	Shellfish	Milk and milk products	Demerit points
1	Approved source								6
2	Wholesome - not adulterated								6
3	Not misbranded								2
4	Original container, properly identified								2
5	Approved dispenser								
6	Fluid milk and fluid milk products pasteurized								6
7	Low-acid and acid foods commercially canned								6

2. FOOD PROTECTION

Item		Preparation	Storage	Display	Service	Transportation	Demerit points
8	Protected from contamination						4
9	Adequate facilities for maintaining food at hot or cold temperatures						2
10	Suitable thermometers properly located						2
11	Perishable food at proper temperature						2
12	Potentially hazardous food at 45° F. or below, or 140° F. or above as required						6
13	Frozen food kept frozen; properly thawed						2
14	Handling of food minimized by use of suitable utensils						4
15	Hollandaise sauce of fresh ingredients; discarded after three hours						6
16	Food cooked to proper temperature						6
17	Fruits and vegetables washed thoroughly						2
18	Containers of food stored off floor on clean surfaces						2
19	No wet storage of packaged food						2
20	Display cases, counter protector devices or cabinets of approved type						2
	Frozen dessert dippers properly stored						2
22	Sugar in closed dispensers or individual packages						2
23	Unwrapped and potentially hazardous food not re-served						4
24	Poisonous and toxic materials properly identified, colored, stored and used; poisonous polishes not present						6
25	Bactericides, cleaning and other compounds properly stored and non-toxic in use dilutions						

SECTION C. PERSONNEL

1. HEALTH AND DISEASE CONTROL

		Demerit points
26	Persons with boils, infected wounds, respiratory infections or other communicable disease properly restricted	6
27	Known or suspected communicable disease cases reported to health authority	6

2. CLEANLINESS

		Demerit points
28	Hands washed and clean	6
29	Clean outer garments, proper hair restraints used	2
30	Good hygienic practices	4

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS

Item		Good repair; no cracks	No chips, pits or open seams	Cleanable; smooth	Approved material	No corrosion	Proper construction	Accessible for cleaning and inspection	Demerit points
31	Food-contact surfaces of equipment								2
32	Utensils								2
33	Non-food-contact surfaces of equipment								2
34	Single-service articles of non-toxic materials								2
35	Equipment properly installed								2
36	Existing equipment capable of being cleaned, non-toxic, properly installed, and in good repair								2

2. CLEANLINESS OF EQUIPMENT AND UTENSILS

		Demerit points
37	Tableware clean to sight and touch	
38	Kitchenware and food-contact surfaces of equipment clean to sight and touch	4
39	Grills and similar cooking devices cleaned daily	
40	Non-food-contact surfaces of equipment kept clean	2
41	Detergents and abrasives rinsed off food-contact surfaces	2
42	Clean wiping cloths used, use properly restricted	2
43	Utensils and equipment pre-flushed, scraped or soaked	2
44	Tableware sanitized	
45	Kitchenware and food-contact surfaces of equipment used for potentially hazardous food sanitized	4
46	Facilities for washing and sanitizing equipment and utensils approved, adequate, properly constructed, maintained and operated	4
47	Wash and sanitizing water clean	2
48	Wash water at proper temperature	
49	Dish tables and drain boards provided, properly located and constructed	2
50	Adequate and suitable detergents used	2
51	Approved thermometers provided and used	
52	Suitable dish baskets provided	2
53	Proper gauge cocks provided	
54	Cleaned and cleaned and sanitized utensils and equipment properly stored and handled; utensils air-dried	2
55	Suitable facilities and areas provided for storing utensils and equipment	2
56	Single-service articles properly stored, dispensed and handled	2
57	Single-service articles used only once	
58	Single-service articles used when approved washing and sanitizing facilities are not provided	6

SECTION E. SANITARY FACILITIES AND CONTROLS

1. WATER SUPPLY

		Demerit points
59	From approved source, adequate; safe quality	6
60	Hot and cold running water provided	4
61	Transported water handled, stored, dispensed in a sanitary manner	6
62	Ice from approved source, made from potable water	6
63	Ice machines and facilities properly located, installed and maintained	2
64	Ice and ice handling utensils properly handled and stored, Block ice rinsed	2
65	Ice-contact surfaces approved, proper material and construction	

*Applicable only where grading form of ordinance is in effect.

XXXX

PHS-4006
4-62

INSPECTION REPORT
FOOD SERVICE ESTABLISHMENTS

Permit No. _____
Type _____ NSD _____

CITY, COUNTY OR DISTRICT	NAME OF ESTABLISHMENT	ADDRESS	OWNER OR OPERATOR

Sir: Based on an inspection this day, the items marked below identify the violation in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in immediate suspension of your permit (or down-grading of the establishment).* An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for the correction of violations.

SECTION B. FOOD

1. FOOD SUPPLIES

Item		Specify:	Bakery products	Poultry and poultry products	Meat and meat products	Frozen desserts	Shellfish	Milk and milk products	Demerit points
1	Approved source								6
2	Wholesome - not adulterated								6
3	Not misbranded								2
4	Original container; properly identified								2
5	Approved dispenser								
6	Fluid milk and fluid milk products pasteurized								6
7	Low-acid and non-acid foods commercially canned								6

2. FOOD PROTECTION

Item		Preparation	Storage	Display	Service	Transportation	Demerit points
8	Protected from contamination						4
9	Adequate facilities for maintaining food at hot or cold temperatures						2
10	Suitable thermometers properly located						2
11	Perishable food at proper temperature						2
12	Potentially hazardous food at 45° F. or below, or 140° F. or above as required						6
13	Frozen food kept frozen; properly thawed						2
14	Handling of food minimized by use of suitable utensils						4
15	Hollandaise sauce of fresh ingredients; discarded after three hours						6
16	Food cooked to proper temperature						6
17	Fruits and vegetables washed thoroughly						2
18	Containers of food stored off floor on clean surfaces						2
19	No wet storage of packaged food						2
20	Display cases, counter protector devices or cabinets of approved type						2
21	Frozen dessert dippers properly stored						2
22	Sugar in closed dispensers or individual packages						2
23	Unwrapped and potentially hazardous food not re-served						4
24	Poisonous and toxic materials properly identified, colored, stored and used; poisonous polishes not present						6
25	Bactericides, cleaning and other compounds properly stored and non-toxic in use dilutions						

SECTION C. PERSONNEL

1. HEALTH AND DISEASE CONTROL

Item		Demerit points
26	Persons with boils, infected wounds, respiratory infections or other communicable disease properly restricted	6
27	Known or suspected communicable disease cases reported to health authority	6

2. CLEANLINESS

Item		Demerit points
28	Hands washed and clean	6
29	Clean outer garments; proper hair restraints used	2
30	Good hygienic practices	4

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS

Item		Good repair; no cracks	No chips, pits or open seams	Cleanable; smooth	Approved material	No corrosion	Proper construction	Accessible for cleaning and inspection	Demerit points
31	Food-contact surfaces of equipment								2
32	Utensils								2
33	Non-food-contact surfaces of equipment								2
34	Single-service articles of non toxic materials								2
35	Equipment properly installed								2
36	Existing equipment capable of being cleaned, non-toxic, properly installed, and in good repair								2

2. CLEANLINESS OF EQUIPMENT AND UTENSILS

Item		Demerit points
37	Tableware clean to sight and touch	
38	Kitchenware and food-contact surfaces of equipment clean to sight and touch	4
39	Grills and similar cooking devices cleaned daily	
40	Non-food-contact surfaces of equipment kept clean	2
41	Detergents and abrasives rinsed off food-contact surfaces	2
42	Clean wiping cloths used; use properly restricted	2
43	Utensils and equipment pre-flushed, scraped or soaked	2
44	Tableware sanitized	
45	Kitchenware and food-contact surfaces of equipment used for potentially hazardous food sanitized	4
46	Facilities for washing and sanitizing equipment and utensils approved, adequate, properly constructed, maintained and operated	4
47	Wash and sanitizing water clean	2
48	Wash water at proper temperature	
49	Dish tables and drain boards provided, properly located and constructed	2
50	Adequate and suitable detergents used	2
51	Approved thermometers provided and used	
52	Suitable dish baskets provided	2
53	Proper gauge cocks provided	
54	Cleaned and cleaned and sanitized utensils and equipment properly stored and handled; utensils air-dried	2
55	Suitable facilities and areas provided for storing utensils and equipment	2
56	Single-service articles properly stored, dispensed and handled	2
57	Single-service articles used only once	
58	Single-service articles used when approved washing and sanitizing facilities are not provided	6

SECTION E. SANITARY FACILITIES AND CONTROLS

1. WATER SUPPLY

Item		Demerit points
59	From approved source; adequate; safe quality	6
60	Hot and cold running water provided	4
61	Transported water handled, stored, dispensed in a sanitary manner	6
62	Ice from approved source; made from potable water	6
63	Ice machines and facilities properly located, installed and maintained	2
64	Ice and ice handling utensils properly handled and stored; block ice rinsed	2
65	Ice-contact surfaces approved; proper material and construction	

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* Applicable only where grading form of ordinance is in effect.

Item	2. SEWAGE DISPOSAL	Demerit Points
66	Into public sewer, or approved private facilities	6
	3. PLUMBING	
67	Properly sized, installed and maintained	2
68	Non-potable water piping identified	1
69	No cross connections	6
70	No back siphonage possible	
71	Equipment properly drained	2
	4. TOILET FACILITIES	
72	Adequate, conveniently located, and accessible; properly designed and installed	6
73	Toilet rooms completely enclosed, and equippad with self-closing, tight-fitting doors; doors kept closed	2
74	Toilet rooms, fixtures and vestibules kept clean, in good repair, and free from odors	2
75	Toilet tissue and proper waste receptacles provided; waste receptacles emptied as necessary	2
	5. HAND-WASHING FACILITIES	
76	Lavatories provided, adequate, properly located and installed	6
77	Provided with hot and cold or tempered running water through proper fixtures	4
78	Suitable hand cleanser and sanitary towels or approved hand-drying devices provided	2
79	Waste receptacles provided for disposable towels	2
80	Lavatory facilities clean and in good repair	2
	6. GARBAGE AND RUBBISH DISPOSAL	
81	Stored in approved containers; adequate in number	2
82	Containers cleaned when empty; brushes provided	2
83	When not in continuous use, covered with tight fitting lids, or in protective storage inaccessible to vermin	2
84	Storage areas adequate; clean; no nuisances; proper facilities provided	2
85	Disposed of in an approved manner, at an approved frequency	2
86	Garbage rooms or enclosures properly constructed; outside storage at proper height above ground or on concrete slab	2
87	Food waste grinders and incinerators properly installed, constructed and operated; incinerators areas clean	2
	7. VERMIN CONTROL	
88	Presence of rodents, flies, roaches and vermin minimized	4
89	Outer openings protected against flying insects as required; rodent-proofed	2
90	Harborage and feeding of vermin prevented	2

Item	SECTION F. OTHER FACILITIES 1. FLOORS, WALLS AND CEILINGS	Demerit Points
91	Floors kept clean; no sawdust used	2
92	Floors easily cleanable construction, in good repair, smooth, non-absorbent; carpeting in good repair	1
93	Floor graded and floor drains, as required	2
94	Exterior walking and driving surfaces clean; drained	2
95	Exterior walking and driving surfaces properly surfaced	1
96	Mats and duck boards cleanable, removable and clean	2
97	Floors and wall junctures properly constructed	2
98	Walls, ceilings and attached equipment clean	2
99	Walls and ceilings properly constructed and in good repair; coverings properly attached	1
100	Walls of light color; washable to level of splash	2
	2. LIGHTING	
101	20 foot-candles of light on working surfaces	2
102	10 foot-candles of light on food equipment, utensil-washing, hand-washing areas and toilet rooms	
103	5 foot-candles of light 30" from floor in all other areas	
104	Artificial light sources as required	2
	3. VENTILATION	
105	Rooms reasonably free from steam, condensation, smoke, etc.	2
106	Rooms and equipment vented to outside as required	2
107	Hoods properly designed; filters removable	2
108	Intake air ducts properly designed and maintained	1
109	Systems comply with fire prevention requirements; no nuisance created	2
	4. DRESSING ROOMS AND LOCKERS	
110	Dressing rooms or areas as required; properly located	1
111	Adequate lockers or other suitable facilities	1
112	Dressing rooms, areas and lockers kept clean	2
	5. HOUSEKEEPING	
113	Establishment and property clean, and free of litter	2
114	No operations in living or sleeping quarters	2
115	Floors and walls cleaned after closing or between meals by dustless methods	2
116	Laundered clothes and napkins stored in clean place	2
117	Soiled linen and clothing stored in proper containers	1
118	No live birds or animals other than guide dogs	2

DEMERIT SCORE OF THE ESTABLISHMENT _____

REMARKS _____

Date _____ Health Authority _____

(3) *State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit (or the establishment downgraded).*[43]

(4) *State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period of time established in the notice for correction.*

d. Service of Notices: *Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last-known address of the permit holder. A copy of such notice shall be filed with the records of the health authority.*

(e. Grading of Food Service Establishments: *Every food-service establishment in the municipality*[44] *of* _____, *or its police jurisdiction, shall display, in a place designated by the health authority, a placard approved by the health authority stating the grade received at the time of the most recent inspection of the establishment: Provided, That temporary food-service establishments shall not be subject to grading.*

Grades of establishments shall be as follows:

Grade A. An establishment having a demerit score of not more than 10.

Grade B. An establishment having a demerit score of more than 10 but not more than 20.

Grade C. An establishment having a demerit score of more than 20 but not more than 40.

Notwithstanding the grade criteria established above, whenever a second consecutive violation of any item of 2 or 4 demerit points is discovered, the permit may be suspended (H. 1. b.) or in lieu thereof, the establishment shall be downgraded to the next lower grade.

Immediately following each inspection, the health authority shall post the appropriate grade based upon the inspection findings, and shall issue an appropriate notice in accordance with subsection H. 2. c. of this ordinance.

The permit holder or operator of any establishment, the grade of which has been lowered, may at any time request an inspection for the purpose of regrading the establishment. Within 10 days following receipt of a request including a signed statement that the conditions responsible for the lowering of the grade have, in the

[43] See footnote 10, p. 22.
[44] See footnote 11, p. 22.

applicant's opinion, been corrected, the health authority shall make an inspection and thereafter as many additional inspections as he may deem necessary to assure himself that the applicant is complying with the higher grade requirements; and, if the findings indicate compliance, shall award the higher grade.)[45]

3. EXAMINATION AND CONDEMNATION OF FOOD: *Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on food by the health authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in subsection H. 2. e. (4), and on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received within 10 days, the health authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance: Provided, That such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.*

Discussion: This section authorizes the health authority to examine, hold, and condemn food which is unwholesome or otherwise adulterated, or misbranded. The local health authority may find it more practicable to limit condemnations to spoiled foods, those suspected of having caused or being able to cause foodborne illness or other conditions which may involve an immediate health hazard; and to refer those cases of suspected adulteration and misbranding which involve no immediate health hazard to State food-control officials.

Samples for the determination of adulteration and misbranding should be taken and examined in accordance with the methods prescribed by the Association of Official Agricultural Chemists, the Meat Inspection Branch of the U.S. Department of Agriculture, the Food and Drug Administration, or by other standard methods.

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[45] See footnote 10, p. 22.

When cases of foodborne illness are reported, an immediate epidemiological and laboratory investigation should be made by the official agency in an effort to determine the vehicle and the source, so as to prevent a recurrence. Any food suspected of being a vehicle in a foodborne-disease outbreak should be placed under a hold order pending laboratory examination.

4. FOOD SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY: *Food from food-service estabilshments outside the jurisdiction of the health authority of the municipality*[46] *of* ---------- *may be sold within the municipality*[46] *of* ---------- *if such food-service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the health authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.*

Discussion: The health authority should permit the sale within his jurisdiction of food received from any food-service establishment not under his routine inspection if the establishment (1) operates under regulations substantially equivalent to those of this ordinance; (2) is under routine official supervision; and (3) is located in a community which has been awarded by the food-service establishment sanitation authority of the State, a sanitation rating equal to that of the receiving community, on the basis of the Public Health Service rating method.

5. PLAN REVIEW OF FUTURE CONSTRUCTION: *When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the health authority for approval before such work is begun.*

Discussion: The purpose in requiring that properly prepared plans for all new construction and reconstruction be submitted for approval before such work is begun is (1) to insure compliance with sanitary requirements; (2) to prevent any misunderstanding by the operator as to what is required; and (3) to prevent errors which might later result in additional cost to the operator.

6. PROCEDURE WHEN INFECTION IS SUSPECTED: *When the health authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment employee, the health authority shall secure a morbidity history of the suspected employee,*

[46] See footnote 11, p. 22.

or make such other investigation as may be indicated, and take appropriate action. The health authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments; (b) the immediate closure of the food-service establishment concerned until, in the opinion of the health authority, no further danger of disease outbreak exists; (c) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

Discussion: Preemployment and periodic medical examinations of food-service establishment employees are not required by this ordinance because such examinations do not provide protection against illness which might be transmitted by food.

Examinations and tests for tuberculosis or venereal diseases should not be regarded as a part of a food-protection program, but rather as a part of the community's tuberculosis or venereal disease control program.

7. PENALTIES: *Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than _____ _____. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.*[47]

8. REPEAL AND DATE OF EFFECT: *This ordinance shall be in full force and effect 12 months after its adoption and publication as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.*

9. UNCONSTITUTIONALITY CLAUSE: *Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.*

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[47] This provision must be worded in accordance with community laws and the State Constitution. Where legally possible, the desirability is suggested of prescribing a minimum fine, and an increased fine for second and subsequent offenses.

76-B

Item	2. SEWAGE DISPOSAL	Demerit Points
64	Into public sewer, or approved private facilities	6
	3. PLUMBING	
65	Properly sized, installed and maintained	2
66	Non-potable water piping identified	1
67	No cross connections	6
68	No back siphonage possible	
69	Equipment properly drained	2
	4. TOILET FACILITIES	
70	Adequate, conveniently located, and accessible; properly designed and installed	6
71	Toilet rooms completely enclosed, and equipped with self-closing, tight-fitting doors; doors kept closed	2
72	Toilet rooms, fixtures and vestibules kept clean, in good repair, and free from odors	2
73	Toilet tissue and proper waste receptacles provided; waste receptacles emptied as necessary	2
	5. HAND-WASHING FACILITIES	
74	Lavatories provided, adequate, properly located and installed	6
75	Provided with hot and cold or tempered running water through proper fixtures	4
76	Suitable hand cleanser and sanitary towels or approved hand-drying devices provided	2
79	Waste receptacles provided for disposable towels	2
80	Lavatory facilities clean and in good repair	2
	6. GARBAGE AND RUBBISH DISPOSAL	
81	Stored in approved containers; adequate in number	2
82	Containers cleaned when empty; brushes provided	2
83	When not in continuous use, covered with tight fitting lids, or in protective storage inaccessible to vermin	2
84	Storage areas adequate; clean; no nuisances; proper facilities provided	2
85	Disposed of in an approved manner, at an approved frequency	2
86	Garbage rooms or enclosures properly constructed; outside storage at proper height above ground or on concrete slab	2
87	Food waste grinders and incinerators properly installed, constructed and operated, incinerators areas clean	2
	7. VERMIN CONTROL	
88	Presence of rodents, flies, roaches and vermin minimized	4
89	Outer openings protected against flying insects as required; rodent-proofed	2
90	Harborage and feeding of vermin prevented	2

Item	SECTION F. OTHER FACILITIES 1. FLOORS, WALLS AND CEILINGS	Demerit Points
91	Floors kept clean; no sawdust used	2
92	Floors easily cleanable construction, in good repair, smooth, non-absorbent; carpeting in good repair	1
93	Floor graded and floor drains, as required	2
94	Exterior walking and driving surfaces clean; drained	2
95	Exterior walking and driving surfaces properly surfaced	1
96	Mats and duck boards cleanable, removable and clean	2
97	Floors and wall junctures properly constructed	2
98	Walls, ceilings and attached equipment clean	2
99	Walls and ceilings properly constructed and in good repair; coverings properly attached	1
100	Walls of light color; washable to level of splash	2
	2. LIGHTING	
101	20 foot-candles of light on working surfaces	2
102	10 foot-candles of light on food equipment, utensil-washing, hand-washing areas and toilet rooms	
103	5 foot-candles of light 30" from floor in all other areas	
104	Artificial light sources as required	2
	3. VENTILATION	
105	Rooms reasonably free from steam, condensation, smoke, etc.	2
106	Rooms and equipment vented to outside as required	2
107	Hoods properly designed; filters removable	2
108	Intake air ducts properly designed and maintained	1
109	Systems comply with fire prevention requirements; no nuisance created	2
	4. DRESSING ROOMS AND LOCKERS	
110	Dressing rooms or areas as required; properly located	1
111	Adequate lockers or other suitable facilities	1
112	Dressing rooms, areas and lockers kept clean	2
	5. HOUSEKEEPING	
113	Establishment and property clean, and free of litter	2
114	No operations in living or sleeping quarters	2
115	Floors and walls cleaned after closing or between meals by dustless methods	2
116	Laundered clothes and napkins stored in clean place	2
117	Soiled linen and clothing stored in proper containers	1
118	No live birds or animals other than guide dogs	2

XXXXXXXXXXXXXXXXXXXX
See the following pages
for greater detail.
XXXXXXXXXXXXXXXXXXXX

DEMERIT SCORE OF THE ESTABLISHMENT _____

REMARKS _____

Date _____ Health Authority _____

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